

## FREEDOM COURT REPORTING

<p style="text-align: center;">Page 201</p> <p>1 to do the evaluation to begin with because I 2 hadn't been there the whole year. 3 And she said, well -- she told me Lavera 4 had never gotten a bad evaluation, and she 5 asked me if I had reviewed the previous couple 6 of years. 7 And I told her that I had and they 8 appeared to be almost carbon copies of each 9 other; same comments almost, same markings and 10 everything. 11 But that wasn't -- I didn't observe the 12 behavior or the work product during that time, 13 but I did review them because she had asked me 14 to. 15 She said that she had talked to some other 16 people, and they had recommended that she ask 17 me to reconsider what I had put on the 18 evaluation.</p> <p><b>Q. Did she tell you who she had talked to?</b></p> <p><b>A. Not at that time.</b></p> <p><b>Q. And when she asked you to reconsider, what did you say?</b></p> <p><b>A. I told her that for days I had agonized over</b></p>	<p style="text-align: center;">Page 203</p> <p>1 <b>Q. When you took it home, did you -- strike that.</b> 2 <b>Did you ever reconsider the evaluation?</b> 3 A. I did. 4 <b>Q. Did the judge ever tell you the implications</b> 5 <b>it could have on Lavera?</b> 6 A. She did during that conversation that we had 7 when she asked me to take it home and 8 reconsider. I was not aware of that when I 9 did the evaluation. I did not know that it 10 was time for a raise for Lavera until she said 11 that. That didn't have anything to do 12 with -- it was not a consideration when I did 13 her evaluation because I didn't know about it. 14 I took it home and agonized some more over 15 it. But because my job had been threatened 16 and I needed to work, I changed enough to make 17 it a satisfactory evaluation because I felt 18 forced to, to keep my job. 19 <b>Q. You testified you didn't know that it was time</b> 20 <b>for a raise for Lavera. What do you think the</b> 21 <b>purpose of an evaluation is if a raise or</b> 22 <b>something --</b> 23 A. You don't always get a raise with an</p>
<p style="text-align: center;">Page 202</p> <p>1 doing that evaluation. I had put an awful lot 2 of time in it, was not -- I don't -- I didn't 3 like to do evaluations on people that were 4 low, unsatisfactory, but that's how I saw the 5 work that she was doing. And I had to rate 6 her the way I saw it. 7 And she again kept, well, just take it 8 home overnight and just review it again and, 9 you know, see if there isn't some area that 10 you could reconsider and -- and all, just take 11 it home with you. 12 And then she said, this is not a threat, 13 but I'm reminding you that you are still on 14 probation. 15 <b>Q. And was anybody present when she allegedly</b> 16 <b>made that comment?</b> 17 A. I told you before that it was just she and I. 18 MR. JAFFREE: Well, it's not an allegation 19 on her part; it's a fact on her part. 20 <b>Q. Okay. So did you take it home?</b> 21 A. Yes, I did. 22 <b>Q. Did she ever tell you who she had talked to?</b> 23 A. At a later date.</p>	<p style="text-align: center;">Page 204</p> <p>1 evaluation. 2 <b>Q. You're a brand-new supervisor --</b> 3 MR. JAFFREE: Are you arguing with the 4 witness again? 5 MS. NELSON: I'm not arguing with the 6 witness. 7 MR. JAFFREE: She said she didn't know. 8 MS. NELSON: And I'm asking her. 9 <b>Q. You were a brand-new supervisor and you didn't</b> 10 <b>even take the time to learn enough about an</b> 11 <b>evaluation that could have a tremendous impact</b> 12 <b>on somebody's job and affect their pay?</b> 13 A. That doesn't change how they're performing. 14 <b>Q. Would it --</b> 15 MR. JAFFREE: Well, maybe in some circles 16 it does. 17 <b>Q. Would it have affected your decision if you</b> 18 <b>had known the pay implications?</b> 19 A. No. Because my evaluation was based on her 20 performance. 21 <b>Q. That you'd observed for --</b> 22 A. And I didn't see -- 23 <b>Q. -- a few weeks or months?</b></p>

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1 A. That was not my fault. I was made to do the 2 evaluation. 3 <b>Q. When did you learn who the other people that</b> 4 <b>had been involved in the decision to ask you</b> 5 <b>to reconsider this evaluation?</b> 6 A. The names were -- 7 <b>Q. I said when did you learn?</b> 8 A. Oh. Around July the 19th when I called a 9 meeting or asked Kai if she and I and the 10 judge could meet because there was so many 11 problems going on. 12 MR. JAFFREE: Can we take a break? 13 MS. NELSON: Yeah, we can. 14 (Brief recess) 15 (Defendants' Exhibit 16 was marked 16 for identification.) 17 <b>Q. Let me show you Defendants' Exhibit 16 and ask</b> 18 <b>you if that's a copy of Ms. Lavera McClain's</b> 19 <b>2004 evaluation that we've been discussing.</b> 20 MR. JAFFREE: This is not the first one. 21 MS. NELSON: Just let her answer. 22 A. No. It's not the first one. 23 MR. JAFFREE: Excuse me. You're	1 A. The first and the second time. 2 <b>Q. That is the first and the second?</b> 3 A. Right. Right. It is the first and the 4 second. 5 <b>Q. Thank you.</b> 6 So apparently, there are some blocks on 7 there that look like they've been scratched 8 out and an X mark put in another place? 9 A. Right. 10 <b>Q. So basically, when you did -- you testified</b> 11 <b>that you reconsidered and changed some marks.</b> 12 <b>You did it on the first one you filled</b> 13 <b>out -- when I say -- you took the evaluation,</b> 14 <b>and took that same evaluation, marked through</b> 15 <b>it on some places and made a new mark or new X</b> 16 <b>or something. Is that correct?</b> 17 I'm not trying to put words in your 18 mouth. You used the same form, so to speak, 19 or -- 20 A. I didn't -- 21 <b>Q. When you revised it?</b> 22 A. Something you said about reconsidered. I was made to change it on threat of losing my job.
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1 saying, that we've been discussing. 2 We've been discussing the first one. 3 Now, this is the first one. 4 MS. NELSON: You don't know what it is. 5 You haven't seen it. Let her say what 6 it is. 7 MR. JAFFREE: Well, you said, there's been 8 two evaluations. I'm trying to -- 9 MS. NELSON: No. We've talked about the 10 first one. Just let me ask her 11 questions, Mr. Jaffree. 12 <b>Q. Tell me what that is?</b> 13 A. Well, it -- 14 <b>Q. Is it the first and the second one?</b> 15 A. Yes, it is. 16 <b>Q. Okay. Thank you.</b> 17 A. Yes, it is. 18 <b>Q. It is.</b> 19 A. Is that what you asked me? 20 <b>Q. Just trying to ask you to help me identify.</b> 21 <b>You filled it out; is that correct?</b> 22 A. Right. 23 MR. JAFFREE: First and the second.	1 MR. JAFFREE: I never got this document. 2 <b>Q. And that's your perception of what had</b> 3 <b>occurred.</b> 4 Could the judge just have not have 5 overridden your recommendation and changed it 6 herself? 7 A. I don't know. If she could have, looks like 8 she would have instead of threatening me. 9 <b>Q. Can you tell from looking at Defendants'</b> 10 <b>Exhibit Number 16 which areas you changed?</b> 11 A. I changed Task 2. 12 <b>Q. And what is Task 2?</b> 13 A. Occasionally does -- well, my comments are -- 14 I don't have the -- there's a separate sheet 15 that actually has the -- what I was -- 16 <b>Q. Is that what you gave me earlier?</b> 17 A. -- the rating. It's another sheet that goes 18 to this I think. 19 <b>Q. Would this be the rating guide that you gave</b> 20 <b>me in Defendants' Exhibit 2?</b> 21 A. It's that -- it's actually another sheet. 22 Like this part right here (indicating), section two, this gives what you're actually

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<p style="text-align: center;">Page 209</p> <p>1 rating. But on the first part, I seem to 2 recall there was another sheet that you went 3 by because where it just said Task 1 at the 4 comments? But let me see that.</p> <p><b>Q. I'm showing you what you gave to me, Defendants' Exhibit 2.</b></p> <p>7 A. Yes, this could be it, there's ten tasks. So 8 you --</p> <p><b>Q. I'm just trying to understand what you changed.</b></p> <p>11 A. Okay. I changed Task 2 from a one to a two 12 rating, from unsatisfactory to satisfactory.</p> <p><b>Q. And Task 2 deals with?</b></p> <p>14 A. "Issuing warrants of arrest or summons by 15 determining probable cause, sets appropriate 16 bond amounts on warrants, and process the 17 warrant or summons to the computer and forward 18 to the police department for execution or 19 service."</p> <p><b>Q. What else did you change?</b></p> <p>21 A. In Section 2, I changed number four, Safety 22 Conscientiousness from non-applicable to a 23 two, to a three. I changed --</p>	<p style="text-align: center;">Page 211</p> <p>1 <b>Q. Do you know when she returned?</b> 2 A. Maybe end of May, first of June.</p> <p>3 <b>Q. Did you tell her any of the conversations</b></p> <p>4 between you and Judge Gordon?</p> <p>5 A. The conversation between us? No. What 6 I -- no, I didn't tell her the whole 7 conversation, no.</p> <p>8 <b>Q. What did you tell her?</b> 9 A. I told her that that was not the original 10 evaluation that I had done on her, that the 11 judge had requested that I change the original 12 evaluation. And I told her that it was 13 against what I believed in doing, and that I 14 wouldn't do it again. And we went over the 15 whole evaluation.</p> <p>16 <b>Q. Did she ask you questions or disagree with the</b></p> <p>17 evaluation?</p> <p>18 A. Oh, yes. Yes, she did. She said that she'd 19 always received high evaluations, and I told 20 her that I had, in fact, reviewed a couple. 21 And they seemed to be almost carbon copies of 22 each other and that I was rating -- had rated 23 her on what I had observed.</p>
<p style="text-align: center;">Page 210</p> <p>1 <b>Q. You felt like she was not safety conscientious?</b> 2 A. Actually, that's something that's not ever 3 rated for some reason, so I had put 4 non-applicable. And then changed it to a two 5 to add points as I was requested and then 6 changed it to a three to add enough points to 7 get her to the satisfactory level.</p> <p>9 <b>Q. That was the safety issue?</b> 10 A. Yes.</p> <p>11 <b>Q. Anything else you changed?</b> 12 A. I changed number five, Quantity of Work, from 13 an unsatisfactory one to a satisfactory two. 14 And it -- I think just from looking at this 15 copy -- I can't tell for sure but I -- but it 16 is evident that I changed those.</p> <p>17 <b>Q. All right. Then did you ever discuss this</b></p> <p>18 Defendants' 16 with Lavera McClain?</p> <p>19 A. I was told by Personnel to discuss it with her 20 after she returned and after they sent it back 21 to me.</p> <p>22 <b>Q. When did she return -- return from leave?</b> 23 A. Yes.</p>	<p style="text-align: center;">Page 212</p> <p>1 <b>Q. Did she comment that she had been on a leave a</b></p> <p>2 good portion of that time?</p> <p>3 A. Good portion of what time?</p> <p>4 <b>Q. That you had supervised her.</b> 5 A. The period for which I was evaluating her -- 6 MR. JAFFREE: Well, wait a minute. Let me 7 -- let me object --</p> <p>8 A. -- was not during that period. 9 MR. JAFFREE: -- because you keep -- I'm 10 sorry. I'm going to object. They 11 keep distorting the Record, but she 12 came back on July. And the period 13 that she was evaluated was on April 14 the 28th. And so the six weeks was 15 sort of more after than before. And 16 you keep indicating that --</p> <p>17 MS. NELSON: I object to your testimony. 18 You don't know when she came back. 19 MR. JAFFREE: Well, I know when she signed 20 this.</p> <p>21 MS. NELSON: Well, that's not when she 22 came back. I mean, you don't know 23 that's when she came back.</p>

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<p style="text-align: right;">Page 213</p> <p>1 A. No. She signed that when Personnel sent it 2 over to me to review with her.</p> <p>3 <b>Q. My question is, did Lavera McClain express any</b> 4 <b>concern to you that your evaluation of her was</b> 5 <b>based on a very limited time frame in which</b> 6 <b>you had personally worked with her or observed</b> 7 <b>her work?</b></p> <p>8 A. I don't recall those comments because that 9 leave time was not included in this particular 10 evaluation time.</p> <p>11 <b>Q. Did you get involved in approving her leave of</b> 12 <b>absence? I'm talking about Lavera McClain.</b></p> <p>13 A. I'm not sure.</p> <p>14 <b>Q. Did you ever take a leave of absence or time</b> 15 <b>off from work?</b></p> <p>16 A. Yes, I did. It wasn't a leave of absence.</p> <p>17 <b>Q. Did you take time off from work?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. And do you know how much time you took off?</b></p> <p>20 A. Not specifically, no. Not in total number, 21 no.</p> <p>22 <b>Q. Do you know if you ever took time off that you</b> 23 <b>had not worked there long enough to earn?</b></p>	<p style="text-align: right;">Page 215</p> <p>1 A. No, I did not. Michelle Sellers got a book 2 from Houston -- Hudson Supply Company where 3 they had -- where they usually ordered 4 furniture from. She gave the book to me and 5 she said look through this and see if there's 6 any furniture that you like in there.</p> <p>7 <b>Q. And did you pick some out?</b></p> <p>8 A. Yes, I did. And she ordered it.</p> <p>9 <b>Q. Okay. Did you have a budget?</b></p> <p>10 A. Nobody gave me a budget. They told me what I 11 wanted. They also -- Judge told me that if I 12 wanted wall hangings, whatnots, that they 13 would reimburse me for that. She gave me no 14 amount.</p> <p>15 <b>Q. And did you go shopping for accessories, I'll</b> 16 <b>call them?</b></p> <p>17 A. Yes, I did.</p> <p>18 <b>Q. And do you know how much money you spent on</b> 19 <b>furnishing your office?</b></p> <p>20 A. No, I don't.</p> <p>21 <b>Q. Michelle Sellers, did she ever sit in on any</b> 22 <b>of your job interviews when you were first</b> 23 <b>interviewing for your job as court</b></p>
<p style="text-align: right;">Page 214</p> <p>1 A. The only time off I could take was with 2 judge's approval. And she approved it, I took 3 it.</p> <p>4 <b>Q. And she approved your time off, didn't she?</b></p> <p>5 A. Yes, she did.</p> <p>6 <b>Q. Back to this desk and furniture for your</b> 7 <b>office, did you pick that out?</b></p> <p>8 A. Yes, I did.</p> <p>9 <b>Q. And did you make certain requests to have that</b> 10 <b>approved to furnish your office?</b></p> <p>11 A. I'm sorry?</p> <p>12 <b>Q. That's a bad question. Strike that. Did you</b> 13 <b>select your furniture and furnishings for your</b> 14 <b>office and then request to have it approved?</b></p> <p>15 A. I still don't understand your question.</p> <p>16 <b>Q. Did you just go out and go shopping for</b> 17 <b>furniture one day and tell the judge, this is</b> 18 <b>what you wanted to buy?</b></p> <p>19 A. No. The judge insisted that I have new 20 furniture, even though I told her that the 21 furniture that was in there was perfectly 22 fine.</p> <p>23 <b>Q. But then you went out on your own and --</b></p>	<p style="text-align: right;">Page 216</p> <p>1 <b>administrator?</b></p> <p>2 A. She -- I don't recall whether she was or not.</p> <p>3 <b>Q. She could have?</b></p> <p>4 A. Possible.</p> <p>5 <b>Q. Okay. What about Kevan Kelly; do you remember</b> 6 <b>him sitting in?</b></p> <p>7 A. No, I don't.</p> <p>8 <b>Q. Do you know Kevan Kelly?</b></p> <p>9 A. Yes, I do.</p> <p>10 <b>Q. And what's your relationship with Kevan Kelly?</b></p> <p>11 A. Just met him when I started working in court.</p> <p>12 <b>Q. And he's the city attorney; is that correct?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. Do you know if Kevan Kelly has made any</b> 15 <b>complaints about you?</b></p> <p>16 A. Can't imagine that he did. We talked all the 17 time, every time I was over at the court. He 18 never mentioned to me he had a complaint. I 19 was never provided a complaint.</p> <p>20 <b>Q. You mentioned earlier, as you said, you were a</b> 21 <b>probationary employee for the first 12 months</b> 22 <b>of your employment, though I realize you</b> 23 <b>didn't work the full 12 months. But you were</b></p>

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<p style="text-align: right;">Page 217</p> <p>1        a probationary employee during the time you 2        worked -- 3        A. Right. 4        Q. -- for the City; is that correct? 5        A. That's correct. 6                (Defendants' Exhibit 17 was marked 7                for identification.) 8        Q. And I'm going to show you what's Defendants' 9                Exhibit Number 17. And did Judge Gordon 10          evaluate your performance while you were there 11          the first three months? 12        A. Yes, she did. 13        Q. And I'm going to show what I've marked as 14          Defendants' Exhibit 17. Is that the 15          evaluation you received? 16                (Brief pause) 17        Q. Do you recognize that? 18        A. Let me finish reading it, please. 19        Q. Okay. 20                (Brief pause) 21        A. Yes. 22        Q. And I'm sorry. You signed -- did Judge Gordon 23          review that with you?</p>	<p style="text-align: right;">Page 219</p> <p>1        time" getting the meeting set up? 2        A. Well, I had tried to contact Kai Davis in 3                personnel to talk to her about I thought that 4                because of all the problems that were going on 5                that I was going to see if she would meet with 6                the judge and I to see if we could work some 7                of them out. 8        Q. Let me stop you right there. Tell me, what 9                problems were going on? 10        A. Well, things went downhill with me and the 11                judge after I did the unsatisfactory 12                evaluation with Lavera. Things were never the 13                same after that. 14        Q. Again, I just -- the date -- just so we can 15                clarify the time frame we're talking about. 16                The date that the evaluation on Lavera was 17                first done by you was when? 18        A. About a week or two I believe after mine was 19                done. 20        Q. It was in April I believe you testified 21                earlier, April of 2004? 22        A. Yes, I believe so. 23        Q. Okay. You testified there were -- what</p>
<p style="text-align: right;">Page 218</p> <p>1        A. Yes, she did. 2        Q. And you signed it on April 24 -- excuse me -- 3                April 21st, 2004? 4        A. Yes. 5        Q. Now, going back to something earlier you 6                testified to, you said you did not know the 7                individuals that Judge Gordon had discussed 8                Ms. McClain's evaluation with until you and 9                the judge and Kai Davis met. Was that your 10          testimony? 11        A. Yes. 12        Q. And when did that occur? 13        A. I think July the 19th, 2004. 14        Q. And how is it that you remember that date so 15                specifically; is that one of the dates on your 16                calendar or -- 17        A. Not sure. Because I had such a hard time 18                getting that meeting. 19        Q. Hard time doing what now? 20        A. Getting the meeting. 21        Q. Getting the meeting? 22        A. Yes. 23        Q. Okay. And what do you mean by having a "hard</p>	<p style="text-align: right;">Page 220</p> <p>1        problems were going on? 2        A. Well, there were numerous errors being 3                committed still by Eunice and Lavera, that 4                every time I would try to talk to the judge 5                about them, bring them to her attention, she 6                say -- she'd say, everybody makes mistakes. 7                And I told her that I understood that 8                everybody made mistakes, but there were 9                numerous, numerous mistakes being made, and 10                that at some point, these should start slowing 11                down, that the other magistrates were not 12                making all -- near as many mistakes. 13                And I had tried to talk to the judge about 14                this. She just always made excuses. Valerie 15                Harris, the city auditor, had called me and 16                said that she was so tired of the mistakes 17                that Lavera and Eunice were making, and that 18                she had approached the judge before I began 19                work -- I don't know a date -- and asked her 20                to terminate them because of all the 21                continuing errors. And she didn't get 22                anywhere with the judge; Judge wouldn't hear 23                it. And Valerie Harris asked me to approach</p>

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<p style="text-align: center;">Page 221</p> <p>1 the judge and ask her to terminate them. And 2 I just told Valerie that I didn't think it 3 would do any good for me to approach the 4 judge.</p> <p><b>Q. Was anybody present when you had this conversation?</b></p> <p>7 A. It was a phone conversation.</p> <p>8 <b>Q. Okay.</b></p> <p>9 A. With Valerie Harris.</p> <p>10 <b>Q. Had the judge talked to you about your performance and some of your deficiencies?</b></p> <p>12 A. As -- when?</p> <p>13 <b>Q. Before this meeting with Kai Davis?</b></p> <p>14 A. No. We never had a counseling session other -- and the only directive --</p> <p>16 <b>Q. Did she ever call you in her office and talk to you about your job?</b></p> <p>18 A. No. If I was over in court, we talked about specific things. I had a lot of questions for her about cases, but she never called me to her office for a counseling session.</p> <p>22 <b>Q. Did she ever talk to you about your interaction with Ashton Ott?</b></p>	<p style="text-align: center;">Page 223</p> <p>1 <b>defendant --</b> 2 A. No, I don't. I said, no, I didn't.</p> <p>3 <b>Q. No. You're saying --</b> 4 MR. JAFFREE: Let her finish the question.</p> <p>5 <b>Q. Do you recall any incident about a defendant having to drive from Michigan to Dothan, regarding a case that he did not need to make the trip for?</b></p> <p>7 A. No, I do not.</p> <p>10 <b>Q. Did she ever talk to you about your lack of knowledge of procedures in the magistrates' office?</b></p> <p>12 A. No, she did not.</p> <p>14 <b>Q. She didn't talk to you about your lack of judgment or lack of supervisory skills?</b></p> <p>16 A. No, she did not.</p> <p>17 <b>Q. Did she ever talk to you about the fact that your evaluation of Lavera McClain was based on information that you were getting from other magistrates?</b></p> <p>19 A. No, she did not.</p> <p>22 <b>Q. Was, in fact, some of the -- was the evaluation you gave to Lavera McClain based on</b></p>
<p style="text-align: center;">Page 222</p> <p>1 A. She took up for Ashton when I -- I actually called the judge after Ashton and I -- after Ashton hung the phone up on me rudely. And I called the judge all upset because that had happened and pretty much told the judge what I'd said to her and thought the judge would maybe mend things or whatever, you know, see it from my side. But she just said that that situation never happened in court anyway.</p> <p>10 <b>Q. Did the judge ever talk to you about any complaints from the Bar of other lawyers?</b></p> <p>12 A. No, she did not.</p> <p>13 <b>Q. Did she ever talk to you about your not allowing attorneys to file motions in the magistrates' office?</b></p> <p>16 A. No, she did not.</p> <p>17 <b>Q. Did she ever talk to you about an issue where a man had to drive all the way from Michigan?</b></p> <p>19 A. No, she did not.</p> <p>20 <b>Q. Do you know what I'm talking about?</b></p> <p>21 A. You're reading from a document that I had never seen and never knew anything about.</p> <p>23 <b>Q. I'm talking about, do you recall a</b></p>	<p style="text-align: center;">Page 224</p> <p>1 <b>what Mary Brackin and Mary Turner had told you about Lavera?</b></p> <p>3 A. No, it was not. I've answered that question before.</p> <p>5 <b>Q. Did you --</b></p> <p>6 A. I based it on my observation.</p> <p>7 <b>Q. -- rely on Mary -- did you rely on Mary Beth Brackin and Mary Turner to do your job?</b></p> <p>9 A. I sure did not.</p> <p>10 <b>Q. Who did you rely on to do your job?</b></p> <p>11 A. Me.</p> <p>12 <b>Q. And how did you know what to do?</b></p> <p>13 A. I know how to be a supervisor, and that's what I was hired to do. However, I was not allowed to supervise all of them. I was never allowed to supervise Lavera or Eunice because they were untouchable. But I was highly encouraged to discipline the white magistrates.</p> <p>19 <b>Q. Did you ever discipline the white magistrates on your own?</b></p> <p>21 A. I wrote a memo to Michelle Bryan when the cases were found, but I did discuss it with the judge first to see what she thought about</p>

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<p>1 it.</p> <p>2 <b>Q. Did you ever discipline Mary Beth Brackin,</b> 3 <b>other than for the incident that I asked you</b> 4 <b>about earlier regarding something that</b> 5 <b>occurred before you were here?</b></p> <p>6 A. No.</p> <p>7 <b>Q. Did you ever --</b></p> <p>8 MR. JAFFREE: Let me object. The question 9 suggests that there was a basis to 10 discipline her.</p> <p>11 <b>Q. Did you ever feel there was a basis to</b> 12 <b>discipline Mary Beth Brackin?</b></p> <p>13 A. No, I didn't.</p> <p>14 (Brief pause)</p> <p>15 <b>Q. Were you aware of any complaints filed against</b> 16 <b>Mary Beth Brackin?</b></p> <p>17 A. Specific? Do you have a name?</p> <p>18 <b>Q. I'm asking you if you have a memory of any</b> 19 <b>complaints against her?</b></p> <p>20 A. I'm not sure.</p> <p>21 <b>Q. Not sure?</b></p> <p>22 A. I kind of remember -- I believe there was -- I 23 believe this was -- not sure if this was</p>	<p>1 something else, that we could terminate them. 2 And the judge --</p> <p>3 <b>Q. She made this comment to you?</b></p> <p>4 A. Yes. And the judge, in one of the interviews 5 or maybe subsequent meetings, said that she 6 should have already terminated Mary Beth and 7 Mary Turner and she was sure that they would 8 do something during my tenure so that I would 9 be able to terminate them.</p> <p>10 <b>Q. And who was present when she said this?</b></p> <p>11 A. I'm not sure which meeting it was, so I 12 wouldn't know. Me and the judge, possibly 13 Michelle Sellers, or if it was during an 14 interview. I don't know which one.</p> <p>15 <b>Q. Michelle Sellers is white; is that correct?</b></p> <p>16 A. Yes, it is.</p> <p>17 <b>Q. Do you have any reason to think that Michelle</b> 18 <b>Sellers would have any racial animus toward</b> 19 <b>Mary Turner or Mary Beth Brackin --</b></p> <p>20 A. I know she --</p> <p>21 <b>Q. -- or yourself?</b></p> <p>22 A. Or me?</p> <p>23 <b>Q. Yes.</b></p>
<p>1 during -- I believe it was during my tenure 2 that a police officer was encouraged by 3 Michelle Sellers to fill out a complaint 4 against Mary Beth. The police officer told -- 5 what Mary Beth told me was that the police 6 officer told her that he was encouraged to 7 complete it by Michelle Sellers.</p> <p>8 <b>Q. And why do you think Michelle Sellers would</b> 9 <b>encourage a police officer to do that?</b></p> <p>10 A. Because she is on the same vendetta that the 11 judge was, to get rid of Mary Beth Brackin and 12 Mary Turner.</p> <p>13 <b>Q. And what basis -- and what facts do you have</b> 14 <b>to support that the judge was -- and Michelle</b> 15 <b>were on such a vendetta?</b></p> <p>16 A. Well, from day one, interview one, I was told 17 about them. That was -- that was not true. 18 They -- I never saw physical harm at all, was 19 never afraid of them. They -- they're the 20 reason that I learned what I did as far as the 21 court system was concerned. And 22 one -- Michelle made comments more than once 23 that -- that they -- that if they did</p>	<p>1 A. Just that she goes along with the judge with 2 everything. 3 (Defendants' Exhibit 18 was marked 4 for identification.)</p> <p>5 <b>Q. I'm going to show you what I've marked as</b> 6 <b>Defendants' Exhibit 18. Is that the memo you</b> 7 <b>wrote to Mary Beth Brackin about the officer's</b> 8 <b>complaint about her?</b></p> <p>9 (Brief pause)</p> <p>10 A. I believe, number one, this complaint was done 11 before I began work.</p> <p>12 <b>Q. I'm asking, is that the memo that you wrote to</b> 13 <b>Mary Beth Brackin?</b></p> <p>14 A. At the instruction of the judge. And I 15 believe that was the same complaint that 16 Michelle Sellers encouraged the police officer 17 to complete.</p> <p>18 <b>Q. Isn't it true that when Mary Beth or Mary</b> 19 <b>Turner did something, you're the one that</b> 20 <b>didn't want to write them up; isn't that</b> 21 <b>correct?</b></p> <p>22 A. No, it is not.</p> <p>23 <b>Q. So you do agree, they should have been written</b></p>

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<p style="text-align: center;">Page 229</p> <p>1      <b>up for that?</b></p> <p>2      A. No, I didn't say that. I wasn't there when it 3      happened. I shouldn't have had anything to do 4      with the writeup.</p> <p>5      <b>Q. Is it your testimony that Mary Beth Brackin</b> 6      <b>and Mary Turner, Sarah Fowler, Ann Baxter,</b> 7      <b>Valarie Savage never did anything that</b> 8      <b>warranted counseling or reprimand?</b></p> <p>9      A. That's not my testimony.</p> <p>10     <b>Q. But the only time you would write them up is</b> 11     <b>only if the judge told you to write them up?</b></p> <p>12     A. No, the judge didn't make me write up Michelle 13     Bryan. I conferred with her, but she did not 14     make me. I am in agreement that anytime I 15     tried to discipline Ms. McClain and Ms. Knight 16     that it was put a stop to by the judge.</p> <p>17     <b>Q. And when did you try to discipline them?</b></p> <p>18     A. Well, Eunice was insubordinate to me a couple 19     of times. And I had actually written her up 20     for insubordination, took it over to the 21     judge. And the judge said, I'll sign it. And 22     I believe, in fact, she did sign it, however, 23     warned me that Eunice would probably see that</p>	<p style="text-align: center;">Page 231</p> <p>1      <b>Q. The authority to do what?</b></p> <p>2      A. To tell -- to tell her what to do with a bond.</p> <p>3      <b>Q. And who was present at that meeting?</b></p> <p>4      A. The staff meeting?</p> <p>5      <b>Q. Yes.</b></p> <p>6      A. I don't have a list but the majority of the 7      magistrates, clerks -- and clerks.</p> <p>8      <b>Q. Do you remember her writing you a memo about</b> 9      <b>that issue?</b></p> <p>10     A. About that issue?</p> <p>11     <b>Q. Yes.</b></p> <p>12     A. She may have. Not sure.</p> <p>13     <b>Q. Are you aware that Lavera and -- Lavera</b> 14     <b>McClain and Eunice Knight felt that you were</b> 15     <b>discriminating against them based on their</b> 16     <b>race?</b></p> <p>17     A. Was I aware of it?</p> <p>18     <b>Q. Yes.</b></p> <p>19     A. No.</p> <p>20     (Defendants' Exhibit 19 was marked 21     for identification.)</p> <p>22     <b>Q. I'm going you show you what I've marked as</b> 23     <b>Defendants' Exhibit Number 19 and ask if you</b></p>
<p style="text-align: center;">Page 230</p> <p>1      as discriminatory treatment and would probably 2      file a claim of discrimination against me.</p> <p>3      <b>Q. When was she insubordinate to you?</b></p> <p>4      A. She was insubordinate to me in court one day 5      when a defendant -- a person approached her 6      before court started and asked her to continue 7      a court date. And those things were only 8      supposed to be done on a court date after 9      George -- Judge convened court.</p> <p>10     And I said something to her. And she 11     snapped back at me and said that I didn't have 12     the right to interfere, basically. That 13     wasn't her exact words. I don't remember her 14     exact records. And then when I did a memo to 15     her about many warrants that she had changed 16     the bond on without documentation and while 17     someone else was the magistrate on call for 18     which there was a policy for, she told me that 19     I didn't have the authority -- to my face she 20     told me that -- to say anything to her about 21     changing warrants. And then in a subsequent 22     staff meeting in front of the whole staff, she 23     told me I didn't have the authority.</p>	<p style="text-align: center;">Page 232</p> <p>1      can recognize or identify that for me. (Brief pause)</p> <p>2      A. Yes.</p> <p>3      <b>Q. Is that memo about that particular testimony</b> 4      <b>you just gave me, or is this in relation to</b> 5      <b>anything else? Tell me what this memo is</b> 6      <b>about?</b></p> <p>7      A. This memo is about Lavera not Eunice.</p> <p>8      <b>Q. Oh, I'm sorry. Okay. Do you know -- well,</b> 9      <b>tell me while I'm showing you that -- I</b> 10     <b>apologize. That is from Lavera?</b></p> <p>11     A. Right.</p> <p>12     <b>Q. You're saying Eunice was the one you claim was</b> 13     <b>insubordinate.</b></p> <p>14     A. Insubordinate.</p> <p>15     So what was your question?</p> <p>16     <b>Q. My question is, tell me -- you've read this --</b> 17     <b>have you had a chance to read this memo from</b> 18     <b>Lavera?</b></p> <p>19     A. Yes.</p> <p>20     <b>Q. And that's Defendants' Exhibit Number --</b></p> <p>21     A. 19.</p> <p>22     <b>Q. -- 19?</b></p>

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<p style="text-align: right;">Page 233</p> <p>1      <b>Can you tell me the circumstances</b>  2      <b>surrounding that memo?</b></p> <p>3      A. Yes. Valarie Savage had provided me a  4      complaint in writing, and this is what Lavera  5      is responding to. Valarie Savage did a  6      complaint that Lavera had changed a bond while  7      Valarie was on call. Valarie was not at work  8      that day. However, she had advised me that  9      she was still -- would be -- was the  10     magistrate on call and would be handling her  11     own call. And Valarie complained about Lavera  12     changing this because there was a memo. There  13     was a policy that only the magistrate on call  14     could change a bond. And it -- if it was  15     changed by anyone, there had to be  16     documentation of the reason why.</p> <p>17     <b>Q. Are you aware of any white magistrates who</b>  18     <b>changed a bond when they were not on call?</b></p> <p>19     A. I am aware of the one she lists here, Sarah  20     Fowler, that changed one. However, Sarah  21     Fowler had contacted Valarie Savage and asked  22     her could she change it, because I talked to  23     Sarah myself.</p>	<p style="text-align: right;">Page 235</p> <p>1      A. Against who?</p> <p>2      <b>Q. Toward anybody regarding this incident in</b>  3      <b>Defendants' 19?</b></p> <p>4      A. I did a -- I don't remember if I did a memo to  5      Lavera or just talked to her, reminding her of  6      the policy.</p> <p>7      <b>Q. Did you ever deny Eunice Knight the right to</b>  8      <b>be off when her daughter was sick?</b></p> <p>9      A. She didn't tell me it was her daughter having  10     a biopsy. And, no, I did not deny her.</p> <p>11     <b>Q. Did you require her to provide different</b>  12     <b>documentation than you did other white</b>  13     <b>magistrates?</b></p> <p>14     A. No. I originally said -- because she was so  15     rude and insubordinate to me when I was trying  16     to discuss this with her to figure out why she  17     couldn't come in after the doctor's  18     appointment and why she couldn't work the next  19     day, I try -- I first said, well, you'll need  20     to bring me a doctor's excuse, and then later  21     changed it, and put it on her leave form that  22     I changed it. I marked that out. Did not  23     require it.</p>
<p style="text-align: right;">Page 234</p> <p>1      <b>Q. And if a magistrate is on call, they're not in</b>  2      <b>the office; is that correct?</b></p> <p>3      A. They could be in the office. Most of the time  4      they are in the office except for on the  5      weekend.</p> <p>6      <b>Q. Do you know when this occurred, this</b>  7      <b>incident --</b></p> <p>8      A. It was during the week. Valarie was off, but  9      had let me know that as stated on the  10     schedule, she was the -- she was still the  11     magistrate on call. That had not been  12     changed. There was no substitute.</p> <p>13     <b>Q. And based on that memo that Lavera wrote to</b>  14     <b>you, she felt like you were holding her to a</b>  15     <b>different standard.</b></p> <p>16     A. I don't know what she felt.</p> <p>17     <b>Q. I guess the memo can speak for itself.</b>  18     <b>Did you --</b></p> <p>19     A. I guess that -- you know, Valarie Savage filed  20     a complaint, but I don't see a copy of her  21     complaint here. I just see the one that  22     you're putting in from Lavera.</p> <p>23     <b>Q. Was any disciplinary action taken?</b></p>	<p style="text-align: right;">Page 236</p> <p>1      <b>Q. Now, how was she rude and insubordinate to</b>  2      <b>you?</b></p> <p>3      A. Because I was trying -- Eunice had been out a  4      lot on leave that I thought had been approved  5      previous to my coming there. She had told me  6      that she was going to be out several  7      afternoons, several whole days over a several  8      weeks' period because she refereed basketball  9      games for playoffs for high school. It was  10     already set up, so I assumed the judge had  11     approved it. However, at a subsequent time  12     talking to the judge, the judge told me she  13     knew nothing about it.</p> <p>14     Anyway, so -- and I had three magistrates  15     that were going to be off that Thursday and  16     Friday already, vacation. And I told Eunice,  17     I said, this is a very bad time for you to be  18     off because of manning court on Thursday. And  19     I needed her there. And I asked her if she  20     could come in after the doctor's appointment.  21     And she said, no, that she might need to stay  22     with her daughter. And then I asked her could  23     she come in on Friday because of the shortage,</p>

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<p style="text-align: center;">Page 237</p> <p>1 and she said, no, I may have to keep the 2 children. 3 But she never, at that time, never told me 4 the extent, what the appointment was for. If 5 she had told me it was a biopsy, it was a 6 serious matter with her daughter, I would have 7 approved the request. And we would have made 8 do with the people we had.</p> <p><b>Q. Have you allowed white employees to take off without requiring a doctor's note?</b></p> <p>A. Michelle Bryan had a niece that was in Children's Hospital in Birmingham. She called me from there and said that her niece was not expected -- might not live, and she and the family were up there. And, also, her grandmother in another town, which she was going at some point to be by, was on her death bed, expecting her not to live either.</p> <p>She did have, I believe, a little bit of leave. And I told her to keep me updated. Every day that she called, I went over or called and told the judge and Michelle. I was not aware -- had not memorized the operations</p>	<p style="text-align: center;">Page 239</p> <p>1 everyone in the office fairly. 2 So we got together. The judge had been 3 over at Kai's office before they let me know 4 that she -- to come over. And so Kai said 5 that she knew there was -- we'd both said 6 there were problems. So she asked me to 7 start. And I just did a laundry list of the 8 issues that I had and asked the judge to give 9 me her cooperation. 10 Before I could get through my part, the 11 judge interrupted and started going on about 12 her side of things and just eventually threw 13 up her hands and said, I'm just tired of all 14 this, and walked out. 15 <b>Q. When she interrupted and gave her side, did she let you know that she was having some issues with you and your performance?</b> 16 A. She was answering what I was saying. It was 17 not a counseling session. 18 <b>Q. And that was also letting you know that she had some issues with your performance; isn't that true?</b> 19 A. I don't know --</p>
<p style="text-align: center;">Page 238</p> <p>1 manual that said that I did not have the 2 authority to authorize leave that they -- that 3 someone didn't have. 4 And the judge -- Judge never, during those 5 days that I was notifying her that Michelle 6 had called and the niece was still bad and the 7 grandmother was still in bad shape, never once 8 did the judge tell me I didn't have the 9 authority to keep letting her be off. Only 10 after the fact did she tell me.</p> <p><b>Q. Go back to July 19th. You and the judge and Kai Davis met; is that correct?</b></p> <p>A. Right.</p> <p><b>Q. Was anyone else present?</b></p> <p>A. I don't recall anyone else being present.</p> <p><b>Q. What occurred in that meeting?</b></p> <p>A. Well, I had previously talked to Kai about all the problems. And I just wanted her to kind of be a mediator I guess. I wanted to work -- I mean, I could still work with the judge, but I needed her to give me what she had promised me when I started. And that's 100 percent backing and let me supervise</p>	<p style="text-align: center;">Page 240</p> <p>1 <b>Q. I don't care --</b> 2 A. -- about issues with performance. 3 <b>Q. -- what you call it.</b> 4 A. Well, I care what you call it because I never 5 had a counseling session. This was a talking 6 session that I requested, not the judge. And 7 we were just supposed to be talking things out 8 and come to some solution. 9 The judge said she didn't know if she 10 could go forward from that point. And I told 11 her that I could, that I could put the 12 differences behind us and work with her. But 13 I needed to be allowed to supervise, and I was 14 not being allowed to do so. 15 <b>Q. Again, the judge expressed that she had some concern with your ability to run and manage the office; is that true?</b> 16 A. No, that's not true. No. 17 <b>Q. The judge was completely pleased with everything you were doing; is that true?</b> 18 A. We didn't talk about pleased or not pleased. 19 MR. JAFFREE: What answer are you trying 20 to solicit from this witness?</p>

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<p style="text-align: right;">Page 241</p> <p>1 MS. NELSON: I'm trying to get her to tell 2 me what occurred in the meeting. 3 A. That's what I've done. 4 Q. <b>Well, you told me your side. I'm just trying</b> 5 <b>to get your understanding of what the judge</b> 6 <b>expressed to you or what Kai expressed to you.</b> 7 <b>Surely if the judge said she didn't know</b> 8 <b>if she could continue or interrupted and gave</b> 9 <b>her side, you had different sides to the</b> 10 <b>story, didn't you?</b> 11 A. That's always more than one side. Kai 12 interjected at times, too. 13 Q. <b>If Kai Davis is a witness in this case, do you</b> 14 <b>have any reason to think that she would</b> 15 <b>anything but truthful?</b> 16 A. Say that again. 17 Q. <b>Do you have any reason to believe that Kai</b> 18 <b>Davis would not tell the truth as to what</b> 19 <b>occurred at that meeting?</b> 20 A. I-- 21 MR. JAFFREE: Well, I mean, that's a-- 22 MS. NELSON: She can answer that. 23 MR. JAFFREE: I guess it depends on what</p>	<p style="text-align: right;">Page 243</p> <p>1 A. Absolutely not. 2 MR. JAFFREE: There's some people having 3 adjustment on both sides. 4 Q. <b>Ashton no longer works for the City, does she?</b> 5 A. I don't know. Yeah -- no, she doesn't. 6 Q. <b>You don't know?</b> 7 A. She doesn't. She works at -- 8 Q. <b>Didn't you work with her at Movie Gallery?</b> 9 A. That's what I just said. Yes, she doesn't. 10 Q. <b>Well, after I questioned you about it.</b> 11 A. I forgot. 12 MR. JAFFREE: She corrected herself before 13 you questioned her about it. 14 A. I don't keep up with people like that. 15 Q. <b>Did you have any part in Fran Bailey leaving</b> 16 <b>the employment of the City of Dothan?</b> 17 A. No, I did not. 18 Q. <b>Do you know why she left?</b> 19 A. Yes, I do. 20 Q. <b>And how do you know?</b> 21 A. She submitted her resignation in writing and 22 stated why. 23 Q. <b>And what did it say?</b></p>
<p style="text-align: right;">Page 242</p> <p>1 Kai says. 2 MS. NELSON: Make your objection. 3 Q. <b>I'm asking, do you have any reason to believe</b> 4 <b>that Kai would not be truthful?</b> 5 A. I believe Kai would not be truthful. 6 Q. <b>And what do you base that on?</b> 7 A. I don't have facts. I have feelings. 8 Q. <b>Because you know she's going to testify</b> 9 <b>opposite from what you're saying, isn't that</b> 10 <b>true?</b> 11 MR. JAFFREE: How would she know that? 12 A. How would I know that? 13 Q. <b>Well, if you think she's going to say exactly</b> 14 <b>what you're saying, why would you question her</b> 15 <b>veracity?</b> 16 A. You're trying to confuse me. I've answered 17 your question. 18 Q. <b>You think Michelle Sellers would not be</b> 19 <b>truthful?</b> 20 A. Absolutely would not be truthful. 21 Q. <b>You think Judge Gordon would not be truthful?</b> 22 A. Absolutely would not be truthful. 23 Q. <b>You think Ashton Ott would not be truthful?</b></p>	<p style="text-align: right;">Page 244</p> <p>1 A. I don't know it word for word. I do know -- 2 Q. <b>Just tell me your understanding of why Fran</b> 3 <b>Bailey left.</b> 4 A. My understanding of it is because she was 5 tired of the favoritism shown to certain 6 magistrates, and she was tired of dealing with 7 the same defendants over and over again. 8 Q. <b>The same criminal defendants?</b> 9 A. Yes. 10 Q. <b>Did you ever hear her make the statement that</b> 11 <b>she felt like she didn't have to be courteous</b> 12 <b>to a criminal defendant?</b> 13 A. No, I did not. Can't imagine Fran saying 14 that. 15 Q. <b>What defendants did she feel like she had to</b> 16 <b>deal with over and over again?</b> 17 A. The ones that were continually -- she told me 18 that were let go by the judge and continually 19 repeated the same charges or cases were reset 20 and reset or pay-bys were extended and 21 extended. 22 Q. <b>And who are you talking about?</b> 23 A. She did not give me names. You would have to</p>

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<p>1 ask her.</p> <p>2 <b>Q. And she's a clerk; is that correct?</b></p> <p>3 A. She was a clerk typist.</p> <p>4 <b>Q. And what was her interaction with the criminal</b></p> <p>5 <b>defendants?</b></p> <p>6 A. Mostly by phone.</p> <p>7 <b>Q. Had she been reprimanded or counseled in any</b></p> <p>8 <b>way?</b></p> <p>9 A. Not that I can recall.</p> <p>10 <b>Q. Do you know who took her place?</b></p> <p>11 A. Actually, Melissa Woods took her place, and</p> <p>12 then a new clerk typist was hired, Melanie</p> <p>13 Walsh.</p> <p>14 <b>Q. Did you hire Melanie?</b></p> <p>15 A. I recommended that she be hired.</p> <p>16 <b>Q. And you can only make recommendations as to</b></p> <p>17 <b>hiring and firing?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. Was she white or black?</b></p> <p>20 A. She was white.</p> <p>21 <b>Q. And was she -- had she worked for the City or</b></p> <p>22 <b>did she apply from the outside?</b></p> <p>23 A. She was a city employee at the time. She was</p>	<p>1 <b>Q. A black angel. Does that mean anything to</b></p> <p>2 <b>you?</b></p> <p>3 A. No, it doesn't.</p> <p>4 <b>Q. Nobody has told you about that?</b></p> <p>5 A. No. That's first I've heard of it.</p> <p>6 <b>Q. Did you ever make a comment to the judge about</b></p> <p>7 <b>Get Out Bonding and why so many defendants</b></p> <p>8 <b>used Get Out Bonding?</b></p> <p>9 A. Yes, I did.</p> <p>10 <b>Q. Tell me what you said. First of all, is this</b></p> <p>11 <b>a conversation you had with Judge Gordon?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. And was anyone else present?</b></p> <p>14 A. I don't recall.</p> <p>15 <b>Q. Do you know when this was?</b></p> <p>16 A. I believe -- I'm pretty sure it was when Don</p> <p>17 Thompson from Thompson Bonding met me at the</p> <p>18 front door one morning to tell me about a</p> <p>19 situation with Get Out Bonding and his</p> <p>20 brother-in-law that had occurred the night</p> <p>21 before. But I don't recall the date.</p> <p>22 <b>Q. I'm sorry. Who was this now, Mr. Thompson?</b></p> <p>23 A. Don Thompson.</p>
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<p>1 a city dispatcher.</p> <p>2 <b>Q. Did you sit in on the interview?</b></p> <p>3 A. I did the interview.</p> <p>4 <b>Q. You did? Did you interview some others?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. Do you remember how many people you</b></p> <p>7 <b>interviewed?</b></p> <p>8 A. Maybe five or six.</p> <p>9 <b>Q. Were any of them black?</b></p> <p>10 A. I don't recall. I interviewed people that</p> <p>11 their application was sent to me from the</p> <p>12 personnel department that had the</p> <p>13 qualifications.</p> <p>14 <b>Q. Other than Melanie Walsh, did you hire any</b></p> <p>15 <b>other employees or recommend the hiring of any</b></p> <p>16 <b>other employees when you were at the City?</b></p> <p>17 A. I think that's the only one.</p> <p>18 MR. JAFFREE: I'm beginning to wonder</p> <p>19 whose race case is it.</p> <p>20 <b>Q. Did you ever become aware of an issue</b></p> <p>21 <b>regarding a gift that was passed around the</b></p> <p>22 <b>office that was a black angel?</b></p> <p>23 A. A what?</p>	<p>1 <b>Q. And who is he with?</b></p> <p>2 A. He owned Thompson Bonding.</p> <p>3 <b>Q. And he made a comment to you about his</b></p> <p>4 <b>brother-in-law.</b></p> <p>5 A. Right, that had been arrested.</p> <p>6 <b>Q. Okay. And what did he say to you about his</b></p> <p>7 <b>brother-in-law?</b></p> <p>8 A. He said his brother-in-law had called him,</p> <p>9 wanting him to bond him out of jail, but he</p> <p>10 had a cash bond. And his brother-in-law</p> <p>11 was -- Don was going to go over and pay the</p> <p>12 bond.</p> <p>13 But before he could, the brother-in-law</p> <p>14 called him back and said that someone had</p> <p>15 changed the bond to a regular bond, and that</p> <p>16 one of the personnel from Get Out Bonding was</p> <p>17 hanging around the jail that night, and that</p> <p>18 they -- this person told the brother-in-law</p> <p>19 that he could only use them to be bonded out.</p> <p>20 If he didn't use them, that he could stay in</p> <p>21 jail. And Don Thompson wanted me to check</p> <p>22 into that.</p> <p>23 <b>Q. Okay. And are you friends with Don Thompson?</b></p>

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<p style="text-align: right;">Page 249</p> <p>1 A. No.  2 <b>Q. Do you know Don Thompson?</b>  3 A. Didn't till that day.  4 <b>Q. Why did he come to you as opposed to going to</b>  5 <b>the jail?</b>  6 A. I don't know.  7 <b>Q. Does the magistrates' office have anything to</b>  8 <b>do with who a person that's been arrested and</b>  9 <b>that's in the jail uses as a bonding company?</b>  10 A. We're -- we know of them, yes, because they  11 bond out the defendants.  12 <b>Q. I'm talking about if it's Friday night and</b>  13 <b>somebody is arrested and they're down in the</b>  14 <b>jail and need a bonding company, the</b>  15 <b>magistrates' office doesn't have anything to</b>  16 <b>do with who they call, do they?</b>  17 A. They have to do for -- with changing a bond if  18 their bond is changed from a cash to a  19 regular.  20 <b>Q. And what did you tell Don -- what did you do</b>  21 <b>after you talked to Don Thompson?</b>  22 A. I told him that I would have to let the judge  23 know about the situation and let her look into</p>	<p style="text-align: right;">Page 251</p> <p>1 another bonding company, that if he wanted to  2 be released from jail, that he would have to  3 use their company.  4 <b>Q. Did you look into that?</b>  5 A. I called the judge when I got into my office,  6 told her what was told me to me. She got  7 angry and said that she didn't believe  8 anything and that she would call Don Thompson  9 herself and straighten it out.  10 <b>Q. To your knowledge, did she call Don Thompson?</b>  11 A. She called me back later and told me that what  12 I said Don Thompson told me, that's not what  13 he told her, that he told her a completely  14 different story, and why did I lie.  15 <b>Q. Do you know if he told her a different story?</b>  16 A. I never talked to him again.  17 <b>Q. You don't know?</b>  18 A. No.  19 <b>Q. Did you ever do anything to investigate Don</b>  20 <b>Thompson's complaint --</b>  21 A. I --  22 <b>Q. -- other than talk to the judge?</b>  23 A. No, I didn't. Don't believe I did.</p>
<p style="text-align: right;">Page 250</p> <p>1 it and get back --  2 <b>Q. So help me make sure I understand. His</b>  3 <b>brother-in-law had been arrested that night;</b>  4 <b>is that -- I mean, the night before he came --</b>  5 A. Right.  6 <b>Q. -- to see you? And some guy was hanging</b>  7 <b>around the jail from Get Out?</b>  8 A. Right.  9 <b>Q. Do you know who that was?</b>  10 A. No, I don't know the name.  11 <b>Q. And there at the jail, he persuaded him --</b>  12 A. No. He just told him that Get Out was his  13 only choice.  14 <b>Q. You don't know who that person was?</b>  15 A. No.  16 <b>Q. And did he switch to Get Out?</b>  17 A. Did he switch? He didn't have a choice if he  18 wanted to get out of jail.  19 <b>Q. And why didn't he have a choice?</b>  20 A. I've already answered that.  21 <b>Q. Well, I'm sorry. I don't understand.</b>  22 A. The personnel that was at the jail with Get  23 Out Bonding told him that he could not call</p>	<p style="text-align: right;">Page 252</p> <p>1 (Brief pause)  2 <b>Q. Any other issues about Get Out Bonding besides</b>  3 <b>that incident with Don Thompson and telling</b>  4 <b>the judge and you said the judge got angry?</b>  5 A. Just that Sarah Fowler told me that she always  6 had problems getting the judge to do final  7 forfeitures on Get Out Bonding.  8 And also Mendheim -- and I can't remember  9 his first name -- that owned Mendheim Bonding  10 came into the magistrates' office one day to  11 find how much he owed for his defendants that  12 hadn't appeared. And he told me that he would  13 not pay that until the judge made Get Out  14 Bonding pay theirs, because in the past,  15 they -- the other bonding -- he had been made  16 to pay his, but Get Out Bonding had not been  17 made, and they were not closed down.  18 <b>Q. And this was like double hearsay from Sarah</b>  19 <b>Fowler?</b>  20 A. No. That was two separate things. I said,  21 first, that Sarah Fowler told me that she had  22 a problem getting the judge to close down Get  23 Out Bonding for non-payment of the defendants</p>

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<p style="text-align: right;">Page 253</p> <p>1 that didn't show up for the bond.</p> <p>2 <b>Q. But you had no independent, direct personal</b></p> <p>3 <b>knowledge of any of that, do you?</b></p> <p>4 A. No. Because I wasn't allowed to do the</p> <p>5 clerk's Revocation of Surety.</p> <p>6 <b>Q. And who did that?</b></p> <p>7 A. Michelle Sellers, although the clerk of the</p> <p>8 court is supposed to do it.</p> <p>9 And then the other incident that I said</p> <p>10 was when Mr. Mendheim -- and I can't remember</p> <p>11 his first name, probably will come to me later</p> <p>12 because I knew him before I started at the</p> <p>13 City -- came to me to find out. And he just</p> <p>14 said -- told me the previous problems. And he</p> <p>15 says, I'm not paying my money until they do.</p> <p>16 And I told him, I could not tell him what</p> <p>17 other bonding companies paid or didn't pay.</p> <p>18 <b>Q. Did you know what other bonding companies paid</b></p> <p>19 <b>or didn't pay?</b></p> <p>20 A. I was given the information. I -- it was</p> <p>21 done -- it was a report.</p> <p>22 <b>Q. Other bonding companies had final forfeitures,</b></p> <p>23 <b>didn't they?</b></p>	<p style="text-align: right;">Page 255</p> <p>1 <b>Q. Have they ever been shut down?</b></p> <p>2 A. I don't know.</p> <p>3 (Brief interruption)</p> <p>4 <b>Q. The only conversation you had with Judge</b></p> <p>5 <b>Gordon about Get Out was the incident that you</b></p> <p>6 <b>mentioned or just testified to regarding Don</b></p> <p>7 <b>Thompson; is that correct?</b></p> <p>8 A. No.</p> <p>9 <b>Q. Okay. I'm sorry. I thought -- what other</b></p> <p>10 <b>conversations --</b></p> <p>11 A. The other was that I had been told by Valarie</p> <p>12 Savage that Get Out Bonding bonded out more</p> <p>13 defendants than any other bonding company</p> <p>14 because they hung around the jail a lot. So I</p> <p>15 ran a report giving the bonding companies and</p> <p>16 how many they bonded out.</p> <p>17 <b>Q. How did you run a report?</b></p> <p>18 A. From the court system.</p> <p>19 <b>Q. Okay.</b></p> <p>20 A. And it was significantly higher, the number,</p> <p>21 for Get Out Bonding than the other bonding</p> <p>22 companies.</p> <p>23 <b>Q. Okay.</b></p>
<p style="text-align: right;">Page 254</p> <p>1 A. Yeah.</p> <p>2 <b>Q. Other bonding companies have gone out of</b></p> <p>3 <b>business, haven't they?</b></p> <p>4 A. Not -- not -- the only one that couldn't do</p> <p>5 bonds when I was there was when Get Out</p> <p>6 Bonding didn't pay theirs, and they were</p> <p>7 finally -- bonds were not taken from them.</p> <p>8 <b>Q. You're saying, that's the only one that you</b></p> <p>9 <b>know of that --</b></p> <p>10 A. Right.</p> <p>11 <b>Q. -- went out of business?</b></p> <p>12 A. Right. I -- to my knowledge.</p> <p>13 <b>Q. Did Mendheim have -- do you -- Mendheim?</b></p> <p>14 A. Mendheim, M-E-N-D-H-E-I-M, I believe.</p> <p>15 <b>Q. Are they still in -- did they remain in</b></p> <p>16 <b>business while you were there?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Did they owe money or have final -- have</b></p> <p>19 <b>forfeitures?</b></p> <p>20 A. They were never closed down. They eventually</p> <p>21 paid or had the defendant show up.</p> <p>22 <b>Q. Do you know A Advantage Bonding?</b></p> <p>23 A. A Advantage? Yes.</p>	<p style="text-align: right;">Page 256</p> <p>1 A. And when I asked the judge about Get Out</p> <p>2 Bonding and why they bonded out more</p> <p>3 defendants, she got very angry and said she</p> <p>4 was tired of hearing about Get Out Bonding.</p> <p>5 <b>Q. When did this occur in relationship to the</b></p> <p>6 <b>incident regarding Don Thompson?</b></p> <p>7 A. After.</p> <p>8 <b>Q. Like how much after?</b></p> <p>9 A. I don't remember.</p> <p>10 <b>Q. You don't know whether it was a week or a</b></p> <p>11 <b>month?</b></p> <p>12 A. No.</p> <p>13 <b>Q. Don't know if it was April or May?</b></p> <p>14 A. No. I believe it was later than those months.</p> <p>15 Can't be sure.</p> <p>16 <b>Q. It was your understanding that Get Out Bonding</b></p> <p>17 <b>got more bonds because they hung around the</b></p> <p>18 <b>jail?</b></p> <p>19 A. I didn't observe it. I was told that. I</p> <p>20 didn't hang out at the jail.</p> <p>21 <b>Q. Did Judge Gordon have anything to do with what</b></p> <p>22 <b>bonding company a criminal defendant who was</b></p> <p>23 <b>in jail selected to issue a right to bond?</b></p>

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<p>1 A. I don't know. Did she? Maybe. That would be 2 a question for her.</p> <p>3 <b>Q. Well, do you have any reason to think that she 4 did?</b></p> <p>5 A. She could have.</p> <p>6 <b>Q. But you don't know. You don't have facts to 7 support that, do you?</b></p> <p>8 A. No. And she doesn't have the facts to say she 9 didn't.</p> <p>10 <b>Q. The jail is -- she is not over the jail, is 11 she?</b></p> <p>12 A. No. But she has a connection with the jail.</p> <p>13 <b>Q. Well, what is her --</b></p> <p>14 A. Well, the defendants --</p> <p>15 <b>Q. Her connection to the jail is what?</b></p> <p>16 A. -- from her courtroom are in that jail. She 17 is great friends with the warden -- at the 18 time, the warden at the jail, one of them. 19 And Lavera had previously worked at the jail, 20 and they were great friends, the judge and 21 Lavera. And she was great friends with the 22 owners of Get Out Bonding.</p> <p>23 <b>Q. Who?</b></p>	<p>1 MR. JAFFREE: Well --</p> <p>2 A. No.</p> <p>3 <b>Q. Well, then, what's it based on besides what 4 you just testified to?</b></p> <p>5 A. What I testified to?</p> <p>6 <b>Q. You're looking at your --</b></p> <p>7 A. I'm not looking at my notes. I hadn't hardly 8 looked at them the whole time.</p> <p>9 <b>Q. You're saying because Lavera used to work in 10 the jail, because the judge knows the warden, 11 because the judge let a bondsman at Get Out 12 sit on the front row. Those are the three 13 things I heard.</b></p> <p>14 MR. JAFFREE: Well, you also heard, the 15 judge getting very upset when she 16 mentioned anything adverse about Get 17 Out Bonding. You want to throw that 18 in?</p> <p>19 <b>Q. And the judge got upset and said, she didn't 20 have any control over that, didn't she? 21 Didn't the judge tell you, she didn't have 22 control over --</b></p> <p>23 A. No. She did not.</p>
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<p>1 A. I can't remember their name.</p> <p>2 <b>Q. And who was great friends?</b></p> <p>3 A. The judge.</p> <p>4 <b>Q. And how do you know that?</b></p> <p>5 A. Because I observed it in court.</p> <p>6 <b>Q. And what did you observe?</b></p> <p>7 A. I observed that Get Out Bonding personnel was 8 allowed to sit at a front table where, really, 9 bondsmen were not supposed to be sitting and 10 that they were in conversation with the judge 11 a lot.</p> <p>12 <b>Q. Do you have any other facts that support your 13 testimony that the judge has absolutely 14 anything to do --</b></p> <p>15 A. No.</p> <p>16 <b>Q. -- with what bonds are written in the jail?</b></p> <p>17 A. No.</p> <p>18 <b>Q. It's all supposition, assumption; isn't that 19 correct?</b></p> <p>20 MR. JAFFREE: I think --</p> <p>21 MS. NELSON: Let me ask my question. You 22 can state your objection.</p> <p>23 A. No, it's not.</p>	<p>1 MR. JAFFREE: I thought her testimony was 2 --</p> <p>3 A. I didn't testify to that. No, she didn't.</p> <p>4 <b>Q. So those four things. Anything else that you 5 have that would support the judge had anything 6 to do with a defendant in jail using Get Out 7 Bonding?</b></p> <p>8 A. No. Well, there is one other incident that I 9 can't prove because there's nothing in 10 writing. It's just something that I 11 overheard. And, basically, I can figure out 12 what happened, but I can't prove it.</p> <p>13 <b>Q. And what is that?</b></p> <p>14 A. That I questioned -- I called Warden Grubbs to 15 question why -- who had changed a bond because 16 it only said, "per Judge Gordon." Didn't say 17 why. And I called and asked her who had 18 called to have the bond changed. And she said 19 she didn't know, that all -- all she had 20 was -- she believed the judge called because 21 it had "per Judge Gordon."</p> <p>22 And I walked from my office after that 23 conversation into Lavera's office to discuss</p>

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<p style="text-align: center;">Page 261</p> <p>1 something with her, and she was on the phone 2 with someone. And her cell phone started 3 ringing. And when she picked the cell phone 4 up, the person at the other end, who of course 5 I can't identify, on the phone was talking 6 very loud and said, I overheard, court 7 administrator, go talk to the judge.</p> <p>8 And Lavera on her end said, I was on my 9 way over there anyway, I'll tell the judge, 10 which led me to believe there was -- when I 11 questioned the bond, the warden called 12 Lavera. Lavera went to Judge, told her I was 13 questioning why bonds were being changed.</p> <p>14 <b>Q. Again, this is just your supposition of what had occurred?</b></p> <p>15 A. Makes a lot of sense.</p> <p>16 <b>Q. But it is your supposition?</b></p> <p>17 MR. JAFFREE: It's a term --</p> <p>18 A. It's not supposition.</p> <p>19 MR. JAFFREE: It's a term of inference.</p> <p>20 A. I overheard.</p> <p>21 MR. JAFFREE: An inference on facts, not a 22 supposition.</p>	<p style="text-align: center;">Page 263</p> <p>1 every bond, every date.</p> <p>2 <b>Q. And --</b></p> <p>3 MR. JAFFREE: Let me --</p> <p>4 <b>Q. -- the bond had been changed from --</b></p> <p>5 MR. JAFFREE: Let me object to this line 6 of questioning. She said it was her 7 supposition and she couldn't prove 8 it. You insisted on asking her what 9 was it. She didn't want to talk about 10 it. She talks about it, and then you 11 accuse her of making some serious 12 accusations.</p> <p>13 MS. NELSON: Well, they are serious 14 accusations.</p> <p>15 MR. JAFFREE: Well, they're --</p> <p>16 MS. NELSON: And I have a right to stay 17 here to midnight if I want to and ask 18 her about them. She can't back them 19 for anything.</p> <p>20 MR. JAFFREE: She didn't make accusation. 21 She's just simply saying there are 22 some dots that could be connected.</p> <p>23 MS. NELSON: She's making serious</p>
<p style="text-align: center;">Page 262</p> <p>1 <b>Q. And who was this bond -- what defendant was this bond on?</b></p> <p>2 A. I don't remember. There were so many bonds 3 changed.</p> <p>5 <b>Q. You're making some very serious allegations here.</b></p> <p>7 A. I know I am. If you -- if y'all had provided 8 what we asked for in documents, maybe I could 9 tell you.</p> <p>10 <b>Q. When did you talk to Warden Grubbs about this issue?</b></p> <p>12 A. I can't possibly remember the date.</p> <p>13 <b>Q. What kind of bond had she changed?</b></p> <p>14 A. Who?</p> <p>15 <b>Q. You said you talked to Warden Grubbs?</b></p> <p>16 A. She didn't change -- I didn't say she changed 17 a bond. I was trying to find out from her if 18 she knew who had called, if it was a 19 magistrate, if it was Judge Gordon.</p> <p>20 <b>Q. The bond had been changed from what to what?</b></p> <p>21 A. I don't know. I mean, cash to regular, 22 regular to cash. It's been -- I can't -- in 23 any imagination, me or anyone else, remember</p>	<p style="text-align: center;">Page 264</p> <p>1 accusations not only here, but I've 2 read -- and I haven't even gotten to 3 that yet. And I mean very serious 4 accusations. She can't back them up. 5 I think she's opening up herself for 6 exposure.</p> <p>7 <b>Q. I want to know --</b></p> <p>8 MR. JAFFREE: Right here in this 9 deposition?</p> <p>10 THE WITNESS: Yeah. That's what it 11 sounded like to me.</p> <p>12 <b>Q. I want to know who -- what criminal defendant this bond was changed on that you remembered this so well, but you can't even remember who it was.</b></p> <p>16 A. As I stated before, there is no way, as many 17 court documents, as many defendants, as many 18 bonds. And I told you that I could not -- I 19 didn't have documentation to prove it.</p> <p>20 <b>Q. Why did you call Warden Grubbs?</b></p> <p>21 A. Because there was -- had been a habit of a lot 22 of bonds being changed that just had on them 23 "per Judge Gordon." And they -- if the</p>

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<p>1        judge -- I even asked the judge then. I asked  2        her, I said, did you call and change a warrant  3        on so-and-so date, which I knew the date at  4        the time because it had just happened.  5        And she said, no, I did not call.  6        And I said, well, it's my understanding  7        that if it has your signature, it should only  8        be called in by you.  9        And she said, that's correct.  10      However, there was numerous bonds that had  11      been changed that had "per Judge Gordon" that  12      I didn't believe were being changed per Judge  13      Gordon.</p> <p>14      <b>Q. You're saying it would say "per Judge Gordon" but not have her signature?</b></p> <p>15      A. Right. Right. It was written by -- in by a  16      warden or whoever was there at the time. And  17      there would be no documentation as to why it  18      was changed.</p> <p>19      <b>Q. So best of your knowledge, the "per Judge Gordon" would be written by the jail or the warden, not anybody in the magistrates' office?</b></p>	<p>1        that hadn't paid. And that was Mendheim  2        Bonding and Get Out.  3        Michelle Sellers asked me to send that  4        list to her and on -- with the list, I wrote  5        Michelle Sellers a note that said something  6        like, am I -- aren't I supposed to be doing  7        this process, please let me know if I am.  8      <b>Q. You thought you were supposed to be doing it?</b>  9      A. Yes. That's the statutes or code says, that  10      it's to be done by the clerk of the court.  11      <b>Q. And you're the clerk of the court?</b>  12      A. Yeah, I was.  13      <b>Q. Would you have known what to do?</b>  14      A. Sure.  15      <b>Q. And how would you know? Would you ask --</b>  16      A. It's a form.  17      <b>Q. -- Mary Beth or Mary Turner?</b>  18      A. No. I probably would have asked Sarah who  19      knows all about it.  20      <b>Q. Was, to your knowledge, Michelle Sellers ever the clerk of the court?</b>  21      A. I'm sorry?  22      <b>Q. Was Michelle Sellers ever the clerk of the</b></p>
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<p>1      A. Yes. But it would be written there when they  2      were told to put "per Judge Gordon."</p> <p>3      <b>Q. When who was told?</b></p> <p>4      A. When the warden was told by someone to change  5      it. And I was just trying to find out. If  6      the judge didn't call and have them change it  7      to "per Judge Gordon," who did?</p> <p>8      <b>Q. Now, do you know Warden Grubbs?</b></p> <p>9      A. Only -- I met her when I started working  10      there.</p> <p>11      <b>Q. Now, are you making an accusation that she had a relationship with Get Out Bonding?</b></p> <p>12      A. That's not what I said.</p> <p>13      <b>Q. I'm just asking.</b></p> <p>14      A. That's not what I said.</p> <p>15      <b>Q. Okay. After that, was there any more discussion about Get Out Bonding?</b></p> <p>16      A. Only when the final forfeitures were supposed  17      to be done. And I had read the Alabama Code  18      or something that stated that the court --  19      clerk of the court was supposed to do the  20      Revocation of Surety. And I got the -- Sarah  21      Fowler sent me the list of the two companies</p>	<p>1        court?  2        A. Yes. But she wasn't at that time.  3        <b>Q. Following your meeting with the judge and Kai Davis, did the three of y'all ever have any other meetings?</b>  4        A. No.  5        <b>Q. Did the judge ever meet with you after that meeting to discuss your job duties or how you were running the office?</b>  6        A. No. I talked --  7        THE WITNESS: Well, yeah. She said all  8        three of us, though.  9        MR. JAFFREE: Oh, okay.  10       A. I met with Kai after that another time.  11       <b>Q. Your attorney was showing you your calendar. And when did you meet with Kai Davis after that? You're referring to Defendants' Exhibit 5?</b>  12       A. Yes, I am.  13       On September the 29th.  14       <b>Q. And I've tried to copy this. But, again, I'm on a page that -- the 29th falls in the middle of the calendar.</b></p>

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<p style="text-align: center;">Page 269</p> <p>1       <b>You have a note --</b>  2        MR. JAFFREE: Well, you need to get a good  3           copy. Do you want to do this again or  4           something?  5        MS. NELSON: Well, I'm trying to see if I  6           can read it.  7       <b>Q. Talked to Kai Davis -- you're right. Tell me</b>  8           <b>what it says. I may need to get a better</b>  9           <b>copy, like the 29th of September.</b>  10       A. Well, first it says, "talked to Judge about  11           memo she did to me. Talked to Kai about  12           favoritism" --  13       <b>Q. Let me stop you. The memo the judge did to</b>  14           <b>you, did she give you a memo?</b>  15       A. Yes. It was about me changing the job  16           duties. And when I did, Eunice and Lavera  17           sent me a memo and copied the judge, saying  18           they were protesting the additional job  19           duty -- minor job duties I had added to their  20           list.  21       <b>Q. Okay. So you talked to the judge before you</b>  22           <b>went to see Kai?</b>  23        (Brief pause)</p>	<p style="text-align: center;">Page 271</p> <p>1        if I could come over and talk to her tomorrow  2           about some things I need help on. Said yes.  3           Eunice told me her cousin was killed and might  4           be out Tuesday."  5           And in parentheses, I've got "Michelle and  6           Mary." But I don't know what that's about. I  7           don't recall that.  8       <b>Q. So based on -- back on the 29th, you said, Kai</b>  9           <b>said to let Judge know about the Powe case --</b>  10       A. Yes.  11       <b>Q. -- and to keep a calendar?</b>  12           <b>You had been keeping a calendar, hadn't</b>  13           <b>you, or did you --</b>  14       A. A little bit. And then I went --  15       <b>Q. You went back and started writing in things?</b>  16       A. I had -- on this -- on this month, I did.  17       <b>Q. Month of September?</b>  18       A. Yes.  19       <b>Q. Did you talk to the judge about the Powe case?</b>  20       A. Yes, I did.  21       <b>Q. And when did you do that?</b>  22       A. After I talked to Kai sometime.  23       <b>Q. Well, you said you talked to Kai about that on</b></p>
<p style="text-align: center;">Page 270</p> <p>1       <b>Q. Do you remember what you did first, talked to</b>  2           <b>the judge or talked to Kai?</b>  3       A. Talked to the judge.  4       <b>Q. And then you went to see Kai?</b>  5       A. Yes.  6       <b>Q. And why did you go see Kai?</b>  7       A. And then it says, "Talked to Kai about  8           favoritism, cases not properly done, wrongful  9           arrests, cash bond not handled right. Kai  10           said to first let Judge know about Gregory  11           Powe case. And she told me to keep a  12           calendar. She will do some looking into the  13           favoritism shown."  14       <b>Q. That's what I can't read. "She will do some</b>  15           <b>looking" --</b>  16       A. In -- "She will do some looking into" -- "she  17           will do some looking into things," is what it  18           says.  19       <b>Q. "Looking into things?" Okay.</b>  20           <b>And then the next day, on the 30th, can</b>  21           <b>you tell me what those entries say?</b>  22       A. "Called to request Judge to call me. Never  23           returned call. Called Michelle and asked her</p>	<p style="text-align: center;">Page 272</p> <p>1       <b>the 29th, so you're saying it would be after</b>  2           <b>the 29th?</b>  3       A. Yes.  4       <b>Q. And what did you tell the judge about the Powe</b>  5           <b>case?</b>  6       A. I told her that I had understood that there  7           had been a wrongful arrest and that Mary  8           Turner had brought it to my attention because  9           she got the money from the jail for bonds Powe  10           paid -- posted. And she had a receipt for  11           bond money on a Gregory Powe posted by Larry  12           Pike, but there was no money there.  13       <b>Q. Okay.</b>  14       A. So we looked for the paperwork; couldn't find  15           it.  16       <b>Q. And then what happened?</b>  17       A. I started searching and investigating. And  18           Mary called the jail to find out why there was  19           a receipt and no money and found out the  20           defendant was released. And then I asked  21           Eunice, I believe, for the paperwork because  22           she was the magistrate on call. And in the  23           paperwork it stated that Eunice had released</p>

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<p style="text-align: center;">Page 273</p> <p>1 because Lavera had not attached a CRO 2 certificate to his case and closed it out some 3 months previously. So he was wrongfully 4 arrested. And she --</p> <p>5 <b>Q. Let me stop you. How do you know Lavera</b> 6 <b>didn't attach it?</b></p> <p>7 A. Because there's case notes in the court 8 system.</p> <p>9 <b>Q. And do you have any knowledge that Lavera</b> 10 <b>didn't attach it?</b></p> <p>11 A. It wasn't attached. They faxed it over again.</p> <p>12 <b>Q. Do you have any facts that support that</b> 13 <b>Lavera -- I'm sorry -- Eunice did anything --</b> 14 <b>strike that.</b></p> <p>15 <b>Is your testimony that Eunice or Lavera</b> 16 <b>should have attached that paperwork?</b></p> <p>17 A. It's my testimony that Lavera should attach 18 the CRO certificate to keep from an alias 19 warrant being issued for his arrest. In --</p> <p>20 <b>Q. My question is, how do you know Lavera was</b> 21 <b>supposed to do that and didn't do that?</b></p> <p>22 A. In the case notes on the court system, there 23 were notes that one of the magistrates -- I</p>	<p style="text-align: center;">Page 275</p> <p>1 documentation that I have, even though 2 I've requested it and a lot of other 3 documentation for defendants. But I 4 will address that later.</p> <p>5 <b>Q. Did you submit any of that to the City in your</b> 6 <b>response to your termination?</b></p> <p>7 A. I don't -- what do you mean? Submit what?</p> <p>8 <b>Q. Did you respond to the City when you were</b> 9 <b>terminated, or did your --</b></p> <p>10 A. Yes, I did.</p> <p>11 <b>Q. -- attorney do that?</b></p> <p>12 A. I did that.</p> <p>13 <b>Q. And did you submit any documentation about the</b> 14 <b>Powe issue in that case?</b></p> <p>15 A. I didn't have the documentation. I stated 16 what happened.</p> <p>17 <b>Q. Do you know if the City reviewed that or --</b></p> <p>18 A. Reviewed what?</p> <p>19 <b>Q. The Powe issue.</b></p> <p>20 MR. JAFFREE: How would she be in the 21 position to know that?</p> <p>22 MS. NELSON: I'm just asking.</p> <p>23 <b>Q. Do you know?</b></p>
<p style="text-align: center;">Page 274</p> <p>1 think Lavera, I'm not positive -- had put in 2 there that said, LM -- for Lavera McClain -- 3 failed to attach CRO certificate to paperwork 4 when received.</p> <p>5 <b>Q. But you're not sure about that?</b></p> <p>6 A. I -- I didn't say I wasn't sure. I said that 7 that's what the case notes said.</p> <p>8 <b>Q. And the case notes are what now?</b></p> <p>9 A. They're in the court system. They're entered 10 in a case on a court system.</p> <p>11 <b>Q. On a docket?</b></p> <p>12 A. On the case. When you go to the screen and 13 you pull up a case, there is places you can 14 enter case notes on.</p> <p>15 <b>Q. Okay. And I believe in your -- I'm looking</b> 16 <b>for the document that you submitted to me</b> 17 <b>earlier as part of your -- did you attach the</b> 18 <b>Powe documentation as part of your --</b></p> <p>19 MR. JAFFREE: I don't think so.</p> <p>20 A. No, I don't have the Powe documentation.</p> <p>21 MR. JAFFREE: Well, I have some Powe 22 documentation that came in discovery 23 requests. I think that's the only</p>	<p style="text-align: center;">Page 276</p> <p>1 A. No. I do know that before I was terminated 2 and after I brought it to the attention of the 3 judge and she basically said that wasn't my 4 concern, that at a later date, I looked for 5 the paperwork to see how it had been handled 6 after it was none of my -- none of my 7 concern.</p> <p>8 And it had been filed away incomplete. No 9 disposition had been entered. Money had 10 not -- there was still money owed on the court 11 costs or something was still showing 12 outstanding. And it had been filed away in 13 closed files. And I got it and wrote a note 14 to Eunice and asked her to finalize the case.</p> <p>15 <b>Q. All right. And when did you write her a note</b> 16 <b>to finalize the case?</b></p> <p>17 A. The -- whenever I pulled it from the closed 18 files. What Eunice had done wrong was she had 19 returned -- she had not run the bond money 20 through the court system. And she returned 21 cash money to the Surety who had specifically 22 marked on the form that the money was only to 23 be returned to him.</p>

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<p style="text-align: center;">Page 277</p> <p>1   <b>Q. And it's your understanding that Eunice gave</b>  2   <b>the money to Mr. Powe?</b>  3   A. Yes.  4   <b>Q. And do you know why she did that?</b>  5   A. I don't know.  6   <b>Q. You don't know?</b>  7   A. Huh-uh (negative response). I just know it  8   wasn't run through the court system as is  9   every amount money for a bond is supposed to  10   be. And she should not have given the money  11   back to the defendant when there was a Surety  12   that marked only return to him.  13   <b>Q. Again, you don't know the circumstances --</b>  14   A. I know that there --  15   <b>Q. -- under which that happened?</b>  16   A. -- is a form that states, and that is a policy  17   and procedure. And if it says return only to  18   defendant -- I mean, to the Surety, that is  19   who you return it to.  20   And so if it was none of my concern, no  21   one ever explained to me.  22   <b>Q. So you're saying when you talked to the judge</b>  23   <b>about it, that was her reply, that it was not</b></p>	<p style="text-align: center;">Page 279</p> <p>1   the document.  2   MR. JAFFREE: Well, I'm asking if she  3   could recall without looking at it.  4   MS. NELSON: Oh, okay. Yeah.  5   MR. JAFFREE: Would you prefer to look at  6   it first?  7   THE WITNESS: Yeah, I'd prefer to.  8   MS. NELSON: Well, I'm asking her if she  9   can recall before looking at it.  10   MR. JAFFREE: The document is going to  11   speak for itself for changes. I mean,  12   what does it say, I gotcha? If you've  13   got the document, show her the  14   document.  15   MS. NELSON: I'm asking her to tell me  16   what she remembers.  17   A. I remember adding a docket one day I believe  18   to Lavera. I added -- it was -- Mary Beth had  19   been doing it. It wasn't an assigned job  20   duty, but I made it an assigned job duty to  21   Mary Beth to review the obituaries and close  22   cases accordingly. I added to Mary Turner I  23   believe posting cash bonds. I believe I</p>
<p style="text-align: center;">Page 278</p> <p>1   <b>your concern?</b>  2   A. That it had already -- it had been taken care  3   of and it was not really any of my concern.  4   <b>Q. Now, you also testified earlier that there had</b>  5   <b>been some changes in the job duties of Eunice</b>  6   <b>and Lavera; is that correct?</b>  7   A. There had been job -- minor job changes done  8   in the majority of the magistrates at the same  9   time.  10   <b>Q. And did you send them a notification of that?</b>  11   A. Did I send who a notification?  12   <b>Q. The magistrates that you had changed their job</b>  13   <b>duties?</b>  14   A. Yes, I did. There was very minor job duty  15   changes.  16   <b>Q. What were the changes in their job duties?</b>  17   A. I had --  18   MR. JAFFREE: If you can recall without  19   looking at your -- the memo.  20   A. I don't have the memo.  21   MS. NELSON: Well, I'm just remembering  22   from -- I have the right to ask her if  23   she remembers it before showing her</p>	<p style="text-align: center;">Page 280</p> <p>1   added --  2   <b>Q. I'm listening. I'm sorry.</b>  3   A. I believe I added something to Tonya. Not  4   sure -- I'm not sure what, but I do believe I  5   added some minor job change to her.  6   <b>Q. Anybody else that you remember changing; any</b>  7   <b>other magistrates that you changed their job</b>  8   <b>duties?</b>  9   A. I think I changed -- I think I did some  10   adjustment to probably just about every one of  11   the magistrates. I took a duty away from  12   Sarah and away from Valarie because they were  13   overloaded and Eunice and Lavera seemed to  14   have extra time. And I think I -- I might  15   have changed, like, backup -- from a secondary  16   person to a backup on a warrant window or a  17   front window for Ann, and maybe I did that on  18   Tonya also.  19   <b>Q. Do you have a copy of the memo that you sent</b>  20   <b>to them; is that something you've produced to</b>  21   <b>me?</b>  22   A. No.  23   <b>Q. Do you have a copy of it anywhere?</b></p>

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<p style="text-align: right;">Page 281</p> <p>1 A. No. 2 (Defendants' Exhibit 20 was marked 3 for identification.) 4 Q. I'm going to show you what I've marked as 5 Defendants' Exhibit Number 20. Is that a 6 memorandum to you from Lavera? 7 A. Yes. 8 Q. And that's Defendants' Exhibit 20; is that 9 correct? 10 A. Yes. 11 Q. And that was in response to your job changes? 12 A. Yes. 13 (Defendants' Exhibit 21 was marked 14 for identification.) 15 Q. And then I'm showing you Defendants' Exhibit 16 Number 21, which is a personal memo to you 17 from Eunice Knight; is that correct? 18 A. Yes. 19 Q. And that was in response to your memo 20 regarding job changes? 21 A. Yes. 22 (Defendants' Exhibit 22 was marked 23 for identification.)</p>	<p style="text-align: right;">Page 283</p> <p>1 making changes or -- 2 A. Actually, because Eunice and Lavera copied her 3 on their complaints instead of just coming to 4 me with it, just sending the memo to me as 5 their direct supervisor, I thought I should 6 explain to the judge after I received theirs. 7 I was doing this e-mail. And instead of 8 sending an e-mail, I printed it out and took 9 it over with a note I believe and -- but I 10 finished this. The judge had already done a 11 memo to me before I could give this to her. 12 But I still gave it to her. 13 Q. And the memo to you from the judge, what did 14 it say? 15 A. Please refrain from making additional job duty 16 changes without consulting me, something to 17 that effect. 18 MS. NELSON: Is that 24? 19 MR. JAFFREE: Yeah. 20 (Defendants' Exhibit 25 was marked 21 for identification.) 22 Q. And I'm going to show you Defendants' Exhibit 23 25. Is that the memo the judge gave to you?</p>
<p style="text-align: right;">Page 282</p> <p>1 Q. And then Defendants' Exhibit 22, is that your 2 memo back to -- so is that to Eunice about the 3 job changes? 4 A. Yes. 5 (Defendants' Exhibit 23 was marked 6 for identification.) 7 Q. And I'll show you Defendants' Exhibit Number 8 23, which appears to be your memo back to 9 Lavera about the job changes; is that correct? 10 A. Yes. 11 (Brief pause) 12 (Defendants' Exhibit 24 was marked 13 for identification.) 14 Q. Let me show you Defendants' Exhibit Number 15 24. Do you recognize that? 16 A. Yes, I do. 17 Q. Is that a memo you prepared? 18 A. It was an e-mail. 19 Q. That's an e-mail? 20 A. Yes. 21 Q. To the judge? 22 A. Yes. 23 Q. Had she asked you to explain why you were</p>	<p style="text-align: right;">Page 284</p> <p>1 A. Yes. 2 Q. Did she talk to you about any of this, the 3 judge, that is? 4 A. What do you mean, talk to me? 5 Q. Well, did she just hand you the memo, or did 6 y'all talk about this whole issue about the 7 reassignment of duties? 8 A. We talked. I believe we talked. I'm not -- I 9 don't know when. I -- I know that she gave me 10 this. I was working on my e-mail to her, 11 explaining it since they copied her. And, 12 basically, if we talked, it would have been 13 the same thing that I put in there. 14 Q. Do you remember y'all discussing the fact that 15 you were going to rotate duties every 90 days 16 or every three months? 17 A. We never had that agreement of a specific time 18 period that I recall. 19 Q. You say you didn't have an agreement, but 20 y'all had talked about -- 21 A. We had talked about -- 22 Q. -- rotating? 23 A. -- rotating duties every two to three months,</p>

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<p style="text-align: center;">Page 285</p> <p>1 no specific 90 days. And besides the fact, 2 these were minor job changes. I had done 3 minor job changes before, and nothing had ever 4 been said about it. And I didn't consult the 5 judge at that time because I was the 6 supervisor. And it was how many days short of 7 90 days anyway?</p> <p>8 <b>Q. I don't know.</b></p> <p>9 A. Two or three.</p> <p>10 <b>Q. How many was it?</b></p> <p>11 A. Two or three.</p> <p>12 <b>Q. How do you know that?</b></p> <p>13 A. Because I know when I made the last.</p> <p>14 <b>Q. And when was that?</b></p> <p>15 A. The --</p> <p>16 <b>Q. And you're referring back to Number 5.</b></p> <p>17 A. The June 28th, July, August, September.</p> <p>18 <b>Q. But you were looking on June 28th on your</b> <b>calendar?</b></p> <p>19 A. The major -- no. I was trying to see a date 20 of June, but it's not on there. My 21 calendar -- I do not have that on my 22 calendar. I -- well, I do, too.</p>	<p style="text-align: center;">Page 287</p> <p>1 have these memos?</p> <p>2 THE WITNESS: Yes, each one of them.</p> <p>3 MR. JAFFREE: I didn't get any of these 4 memos in the submissions that I got.</p> <p>5 THE WITNESS: Each magistrate had a book 6 of memos.</p> <p>7 <b>Q. And then after you received the memo from the</b> <b>judge, asking you to refrain from reassigning</b> <b>job duties, what did you do?</b></p> <p>8 A. I was upset.</p> <p>9 <b>Q. Well, did you go see her? Did you go to talk</b> <b>to her about it?</b></p> <p>10 A. At that time, the judge was not really talking 11 to me a whole lot, so I don't know. She 12 wasn't returning phone calls. She was having 13 Michelle Sellers call me. I do have notation 14 on the 29th that I talked to the judge about 15 the memo she did to me. So I guess I did.</p> <p>16 <b>Q. I'm looking at September 30th now, and then</b> <b>next to it, which is a blank block and another</b> <b>blank block. Did that happen on October 1st</b> <b>and 2nd, or did all of your entries here apply</b> <b>to September 30th?</b></p>
<p style="text-align: center;">Page 286</p> <p>1 <b>Q. What are you looking at now?</b></p> <p>2 A. I sent a memo out on the 10th.</p> <p>3 <b>Q. Of what?</b></p> <p>4 A. June. Advising of the change of job duties, 5 of the cross-training, and that several 6 magistrates were being changed all around and 7 attached the job duties, and told them it 8 would go into effect June the 28th.</p> <p>9 <b>Q. And do you have that memo?</b></p> <p>10 A. No, I don't.</p> <p>11 <b>Q. And this was one of the entries you went back</b> <b>in and wrote after you met with Kai Davis?</b></p> <p>12 A. No, I don't think so. I think I had already</p> <p>13 written that.</p> <p>14 <b>Q. You could have?</b></p> <p>15 A. I said no.</p> <p>16 <b>Q. You said, no, you think you could have written</b> <b>that?</b></p> <p>17 A. Most of these in the front of the calendar, I 18 had already written in when I did the memos.</p> <p>19 But the memo I did for the magistrates with 20 the attached job duties you should have.</p> <p>21</p> <p>22</p> <p>23 MR. JAFFREE: Shouldn't the magistrates</p>	<p style="text-align: center;">Page 288</p> <p>1 A. I'm sorry?</p> <p>2 <b>Q. Do you see what I'm talking about? I'm</b> <b>looking at September 30th, and then the month</b> <b>ends. And then you've got two blocks filled</b> <b>in, which normally would be October 1st,</b> <b>October 2nd. But all that writing is next to</b> <b>September 30th.</b></p> <p>3 My question is, did you make that entry, 4 or you're saying all this occurred on 5 September 30th?</p> <p>6 A. Yes.</p> <p>7 <b>Q. Look with me. It says you --</b></p> <p>8 A. Wait a minute. No.</p> <p>9 <b>Q. No?</b></p> <p>10 MR. JAFFREE: If you recall. (Brief pause)</p> <p>11 A. I don't recall.</p> <p>12 <b>Q. There is an entry that says, "Talk to Judge</b> <b>and Michelle about whether to write Michelle</b> <b>B. up for paperwork and Mary for shouting at</b> <b>Ann." You brought that to the judge's</b> <b>attention?</b></p> <p>13 A. What?</p>

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<p style="text-align: right;">Page 289</p> <p>1   <b>Q. About whether to write Michelle B. up for</b>  2   <b>paperwork and Mary for shouting.</b>  3   A. No, I didn't bring that to the judge's  4   attention. She had already told -- she had  5   told me about the shouting, and I had  6   explained to her that it wasn't as she heard  7   it. But she insisted that I write Mary up.</p> <p>8   <b>Q. Then why did you say, I talked to her about</b>  9   <b>whether to write them up and --</b>  10   A. Because I went --</p> <p>11   <b>Q. -- the judge said yes.</b>  12   A. -- back to talk to her about Michelle Bryan  13   because I was still having a problem with  14   having already done a memo and -- and Mary for  15   shouting. I wanted to get some assistance in  16   what I was supposed to be writing up.</p> <p>17   <b>Q. Then next block, "Valarie said she would file</b>  18   <b>a complaint if she has to do things Mary</b>  19   <b>Beth's way. I told her we're going to do</b>  20   <b>it" --</b>  21   A. "The way it was when I came. She is not  22   happy."</p> <p>23   <b>Q. So Valarie and Mary Beth were having</b></p>	<p style="text-align: right;">Page 291</p> <p>1   <b>Q. You had plans to go to --</b>  2   A. I had called for days because I had submitted  3   a leave request, and the judge never would  4   rule on it, would never approve it, disapprove  5   it, would never call me about it to my  6   knowledge. And I finally took a copy of the  7   leave to the judge and asked her to sign it if  8   she was going to approve it.</p> <p>9   <b>Q. Did she approve it?</b>  10   A. Yes.</p> <p>11   <b>Q. You said -- I'm looking on, like, the 3rd of</b>  12   <b>October. "Valarie came in mad and stayed mad</b>  13   <b>that way." Was she still mad at Mary Beth?</b>  14   A. No, she had her days.</p> <p>15   <b>Q. On the 5th, "Talked to Martha in Personnel,</b>  16   <b>Kai was out, whether to write MB" -- I assume</b>  17   <b>that's Mary Beth?</b>  18   A. Michelle Bryan.</p> <p>19   <b>Q. Michelle. I'm sorry. Michelle Bryan for lost</b>  20   <b>paperwork.</b>  21   A. Yes.</p> <p>22   <b>Q. "Said would do it because Judge said to?"</b>  23   A. Uh-huh (positive response).</p>
<p style="text-align: right;">Page 290</p> <p>1   <b>disagreements?</b>  2   A. Valarie and others had disagreements quite  3   often.</p> <p>4   <b>Q. And what kind of complaint was she going to</b>  5   <b>file if she had to do it --</b>  6   A. I don't know.</p> <p>7   <b>Q. -- Mary Beth's way?</b>  8   A. I don't know.</p> <p>9   <b>Q. She didn't agree with Mary Beth, did she?</b>  10   A. Sometimes she didn't. Sometimes they worked  11   together well.</p> <p>12   <b>Q. Did you write her up?</b>  13   A. For what?</p> <p>14   <b>Q. Not doing it Mary Beth's way when you told her</b>  15   <b>she was going to have to.</b>  16   A. She did after I told her she was going to.  17   She did do it Mary Beth's way.</p> <p>18   <b>Q. What was she complaining about the way Mary</b>  19   <b>Beth -- what was Mary Beth's way?</b>  20   A. I -- I don't recall.</p> <p>21   <b>Q. Well, I'm looking at the 7th about a leave</b>  22   <b>request. Is that your leave request?</b>  23   A. Yes.</p>	<p style="text-align: right;">Page 292</p> <p>1   <b>Q. You were asking Personnel to do it?</b>  2   A. No. I was going to talk to Kai about it  3   because I still -- even after talking with the  4   judge, I just didn't think it was right to  5   write her up in a disciplinary action when I  6   had told her and written up the memo on her.  7   So I asked -- talked to Martha McClain in  8   Kai's absence, explained the situation, and  9   asked her what should I do. And she told me  10   that I should do what the judge said do. And  11   that's what I did.</p> <p>12   <b>Q. You also say that "Ann screwed up on warrant</b>  13   <b>from complaint and put" --</b>  14   A. Complainant.</p> <p>15   <b>Q. -- "complainant" -- excuse me -- "in for</b>  16   <b>suspect. The complainant was arrested. Told</b>  17   <b>Judge. She didn't know what to do."</b>  18   A. Told Judge and the judge said she didn't know  19   what to do about it.</p> <p>20   <b>Q. Did the judge tell you to write Ann up, or did</b>  21   <b>she leave that up to you?</b>  22   A. When she answered -- said she didn't know what  23   to do. She was the judge. If she didn't know</p>

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<p style="text-align: right;">Page 293</p> <p>1 what to do, I certainly didn't. Besides, I 2 didn't have time to write her up after that 3 anyway. I was gone, terminated.</p> <p><b>Q. That was on the 5th; is that correct?</b></p> <p>5 A. Yes.</p> <p><b>Q. You learned on the 12th about your</b> 6 <b>Determination Hearing?</b></p> <p>8 A. I was given the notice on the 12th, yes.</p> <p><b>Q. And then you had a Determination Hearing on</b> 9 <b>the 13th?</b></p> <p>11 A. Right.</p> <p><b>Q. And your notes say that "me, Elston, Jim, MS,</b> 12 <b>Judge." Tell me who all was there.</b></p> <p>14 A. Elston Jones was EEOC officer -- EEO officer. 15 Me, Jim, my husband, Michelle Sellers, Judge, 16 and Martha McClain.</p> <p><b>Q. And then you were actually terminated on the</b> 17 <b>18th; is that correct? I mean, excuse me, of</b> 18 <b>October?</b></p> <p>20 A. Right.</p> <p><b>Q. Let me ask you a little bit about that in a</b> 21 <b>minute. While we've got the calendar out --</b></p> <p>23 MR. JAFFREE: Before you -- I promise you</p>	<p style="text-align: right;">Page 295</p> <p>1 <b>your signature?</b> 2 A. I'm not sure why it says "refused to sign." 3 <b>Q. Have you seen that, though?</b> 4 A. Yes. Is this all of this document? I guess 5 it is. (Defendants' Exhibit 30 was marked 6 for identification.)</p> <p><b>Q. I'm showing you Defendants' Exhibit 30, which</b> 7 <b>is your -- called "Due Process Interview</b> 8 <b>Questions."</b></p> <p>11 MR. JAFFREE: Did you sign this, or did 12 you refuse to sign it. 13 THE WITNESS: I thought I refused to sign 14 it, but I might have signed it. 15 MS. NELSON: It's my turn to ask 16 questions. 17 MR. JAFFREE: Well, I'm just trying to get 18 some clarity. 19 MS. NELSON: Well, you'll have that 20 chance.</p> <p><b>Q. Have you seen Defendants' Exhibit 30,</b> 21 <b>Ms. Martin?</b> 23 A. I don't recall seeing it. It might have been</p>
<p style="text-align: right;">Page 294</p> <p>1 two minutes. 2 MS. NELSON: We can take a quick break. 3 (Brief recess) 4 (Defendants' Exhibit 27 was marked 5 for identification.)</p> <p><b>Q. Defendants' Exhibit 27, is that -- we talked</b> 6 <b>about your getting notice on October 12th of</b> 7 <b>your Determination Hearing. Did you receive</b> 8 <b>that memo?</b></p> <p>10 A. Yes. (Defendants' Exhibit 28 was marked 11 for identification.)</p> <p><b>Q. And this may have been attached. I'm going to</b> 13 <b>show you Defendants' Exhibit 28, which I guess</b> 14 <b>also more specifically notifies you of the</b> 15 <b>hearing -- the Determination Hearing?</b></p> <p>17 A. Yes. (Defendants' Exhibit 29 was marked 18 for identification.)</p> <p><b>Q. Defendants' Exhibit 29, again, basically just</b> 20 <b>stating that your work performance was</b> 21 <b>unsatisfactory during your probationary</b> 22 <b>period. Was that provided to you and that's</b></p>	<p style="text-align: right;">Page 296</p> <p>1 read to me.</p> <p>2 <b>Q. Just to clarify, I'm going back to 29. It</b> 3 <b>looks like it says -- there's a place that has</b> 4 <b>a signature and then it says "refused to</b> 5 <b>sign." Did you sign it, Defendants' Exhibit</b> 6 <b>29 or --</b></p> <p>7 A. That is my signature. I believe I -- I think 8 I refused to sign it to begin with. Not 9 positive. But then I think it was explained 10 that it just basically said that I --</p> <p>11 <b>Q. You didn't necessarily agree with it but --</b> 12 A. No, no, no.</p> <p>13 <b>Q. -- you did get it?</b> 14 A. Right. Right. (Defendants' Exhibit 31 was marked 15 for identification.)</p> <p>17 <b>Q. And then Defendants' Exhibit 31 is the actual</b> 18 <b>decision to terminate your employment?</b></p> <p>19 A. Yes. (Defendants' Exhibit 26 was marked 20 for identification.)</p> <p><b>Q. Let me show you Defendants' Exhibit 26 and ask</b> 22 <b>you if you have seen that document.</b></p>

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<p style="text-align: right;">Page 297</p> <p>1 A. No. These were not attached to the document 2 that I received.</p> <p>3 <b>Q. I mean, you have seen the performance 4 evaluation?</b></p> <p>5 A. Yes. But I have not -- I was not given those.</p> <p>6 <b>Q. The attachments --</b></p> <p>7 A. Were not there. (Defendants' Exhibit 32 was marked 8 for identification.)</p> <p>9 <b>Q. And this may be a more complete copy, but this 10 is Defendants' Exhibit 32. It's basically the 11 same evaluation as 26, but it's also signed by 12 Kai Davis and -- did you have an opportunity 13 to sign that but refused to sign?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And then after that, you filed a response, 16 which I believe you provided to me which is 17 marked as Defendants' 4; is that correct?</b></p> <p>18 A. I filed this during my Due Process Hearing 19 instead of orally telling this -- my response.</p> <p>20 <b>Q. Did you prepare all of that?</b></p> <p>21 A. I -- under the direction of my attorney, I 22 did. Not my attorney now.</p>	<p style="text-align: right;">Page 299</p> <p>1 <b>the attorney/client privilege?</b> 2 MR. JAFFREE: Well, he's not quite the 3 attorney now. I would have 4 discouraged her from putting some of 5 that stuff in there.</p> <p>6 MS. NELSON: The part where she accuses 7 the judge of illegal activity?</p> <p>8 MR. JAFFREE: It's not relevant to her 9 claim. I wouldn't have put that in. 10 But I've talked to her about that. 11 I'm only making that clear for 12 the Record since she said it was under 13 advice of counsel that she --</p> <p>14 THE WITNESS: I made that clear. I said 15 not my attorney now. (Brief pause)</p> <p>16 <b>Q. I'll come back to this. I think I've asked -- 17 gone over most of this.</b> 18 <b>You also filed a charge of discrimination 19 with the EEOC; is that correct?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. Were you represented by Mr. Decker at the 22 time?</b></p>
<p style="text-align: right;">Page 298</p> <p>1 <b>Q. Who was your attorney at the time?</b></p> <p>2 A. The attorney that told me what to put in there 3 was Charles Decker, D-E-C-K-E-R. 4 MR. JAFFREE: I would have kept some of 5 that out.</p> <p>6 <b>Q. Is Mr. Decker currently practicing?</b></p> <p>7 A. Now?</p> <p>8 <b>Q. Yes.</b></p> <p>9 A. I'm not sure. He was suspended.</p> <p>10 <b>Q. And I believe -- I didn't want to --</b> 11 MR. JAFFREE: He was?</p> <p>12 <b>Q. But his license has been suspended?</b></p> <p>13 A. Yeah. I read a notice that he was suspended. 14 MR. JAFFREE: Do you know for what? I 15 would remember him.</p> <p>16 <b>Q. And we could take an hour going over this.</b></p> <p>17 A. But, basically, it's all been gone over.</p> <p>18 <b>Q. Did Mr. Decker prepare this?</b></p> <p>19 A. No. He told me what to put in it. I prepared 20 it.</p> <p>21 <b>Q. Is there anything in here that's not truthful?</b></p> <p>22 A. No.</p> <p>23 <b>Q. Well, did he -- well, I don't want to get in</b></p>	<p style="text-align: right;">Page 300</p> <p>1 A. No. 2 MR. JAFFREE: Let me object for the 3 Record. The charge is not relevant 4 evidence to these proceedings and 5 pending relevant matter in court. 6 MS. NELSON: Well, then are you dropping 7 all of your discrimination claims. 8 MR. JAFFREE: No, I'm not. I'm just 9 simply saying the charge itself has 10 got to be a right to sue. But the 11 charge itself is not relevant and not 12 evidence. 13 MS. NELSON: You stated your objection. 14 MR. JAFFREE: Nor is the EEOC findings. 15 MS. NELSON: Make your objection. 16 MR. JAFFREE: You don't dispute that, do 17 you? 18 MS. NELSON: I dispute that. 19 MR. JAFFREE: Oh, the EEOC findings are 20 relevant? Okay. I don't think the 21 Court will even permit them to be 22 introduced as evidence. (Defendants' Exhibit 33 was marked</p>

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1 for identification.)	1 A. Yes.
2 Q. Ms. Martin, is this a copy of -- Defendants'	2 Q. And you also signed that "I declare under
3 Exhibit 33, is that a copy of your EEOC charge	3 penalty of perjury that the foregoing is true
4 that you filed against the City?	4 and correct." Is that true? Is that where
5 A. That appears to be a copy of it.	5 you signed there?
6 Q. Is that your signature on the charge?	6 A. Yes.
7 A. Yes.	7 Q. Again, I know the hour is getting late, and
8 Q. And was that statement in your charge made	8 I've asked you about a lot of this. And I'm
9 under oath?	9 trying not to be repetitive. A lot of this I
10 A. Yes.	10 think we've talked about.
11 MR. JAFFREE: Wait a minute. I'm not sure	11 I'm not sure we talked about this: You
12 these charges were done under oath,	12 claim that a new black magistrate was offered
13 but they could be.	13 a position with the office and Judge Gordon
14 MS. NELSON: Let the witness answer,	14 pressured you to assign this new employee one
15 please.	15 of the better offices.
16 Q. The answer is yes, it is under oath, isn't	16 Are you talking about Tonya Minfield?
17 it? You were swearing to --	17 A. Yes.
18 A. Yes.	18 Q. And what office was she assigned?
19 Q. -- the statements made therein?	19 A. She -- we had to -- we kind of renovated one
20 MR. JAFFREE: Some is under penalty of	20 of the offices further down the hall and moved
21 perjury. I don't know if it's under	21 Valarie Savage in that office and moved Tonya
22 oath.	22 Minfield in Valarie's office.
23 MS. NELSON: It is signed under penalty of	23 Q. Do you contend that's a better office?
Page 302	Page 304
1 perjury --	1 A. It's a better office than the one that I would
2 MR. JAFFREE: Yes.	2 have put her in, yes.
3 MS. NELSON: -- as opposed to under oath.	3 Q. And where would you have put her?
4 Okay.	4 A. In the office that Mary -- the smaller office
5 MR. JAFFREE: She's -- so I guess --	5 that Mary Turner was in.
6 MS. NELSON: Well, what does the document	6 (Brief pause)
7 say?	7 Q. In this charge, you claim when you met with
8 MR. JAFFREE: Well, the document says that	8 Kai Davis that you believe the problems in the
9 she signed both of these under oath.	9 magistrates' office were racially motivated.
10 She has to do that.	10 Did you tell her that?
11 THE WITNESS: Who is that notary? I don't	11 A. Did I tell who?
12 recognize it.	12 Q. Kai Davis.
13 MR. JAFFREE: I don't know. It wasn't me.	13 A. Yes, I did.
14 THE WITNESS: There's not a seal and	14 Q. You didn't write that on your calendar, did
15 that's not this person's handwriting,	15 you?
16 so I don't know if I swore to it or	16 MR. JAFFREE: Wait. Yes, she did.
17 not.	17 MS. NELSON: Please let me question the
18 MR. JAFFREE: Do you think after the fact	18 witness and refrain from testifying
19 somebody notarized it?	19 for her.
20 Q. Well, you did say, "I swear and affirm that I	20 MR. JAFFREE: But you said she didn't.
21 have read the above-referenced charge, and it	21 Q. Did you use the term "racially motivated" in
22 is true to the best of my knowledge,	22 your calendar?
23 information, and belief." Is that correct?	23 A. I'd have to look at it.

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<p style="text-align: right;">Page 305</p> <p>1 MS. NELSON: Mr. Jaffree, please --</p> <p>2 A. It doesn't matter. I don't have to write</p> <p>3 everything in the calendar like I wrote it in</p> <p>4 there. I didn't write everything I told Kai.</p> <p>5 <b>Q. You're saying, that's the first time you ever</b></p> <p>6 <b>made a claim that the actions in the</b></p> <p>7 <b>magistrates' office were racially motivated?</b></p> <p>8 A. That's the first time I made a claim to Kai</p> <p>9 Davis.</p> <p>10 <b>Q. Did you make the claim to Judge Gordon?</b></p> <p>11 A. Huh?</p> <p>12 <b>Q. Did you make such a claim to Judge Gordon --</b></p> <p>13 A. I don't recall --</p> <p>14 <b>Q. -- that her conduct was racially motivated?</b></p> <p>15 A. I don't recall making that comment to Judge</p> <p>16 Gordon. I do recall making comment to Judge</p> <p>17 Gordon about her showing favoritism.</p> <p>18 (Brief pause)</p> <p>19 <b>Q. And did you receive a notice from the EEOC</b></p> <p>20 <b>dismissing your EEOC charge?</b></p> <p>21 A. I received a right-to-sue letter.</p> <p>22 <b>Q. Well, did that right to sue, as you call it,</b></p> <p>23 <b>basically state that the EEOC was -- could</b></p>	<p style="text-align: right;">Page 307</p> <p>1 A. Monitor a case?</p> <p>2 <b>Q. Did you ever read on the Internet or the</b></p> <p>3 <b>newspaper or become aware of a case in</b></p> <p>4 <b>Birmingham?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. And how did you become aware of that case?</b></p> <p>7 A. I don't recall. I did a lot of searches,</p> <p>8 Internet searches.</p> <p>9 <b>Q. And that was while you were still working for</b></p> <p>10 <b>the City, wasn't it?</b></p> <p>11 A. Not that I recall.</p> <p>12 <b>Q. And if some -- a copy of some information was</b></p> <p>13 <b>left in your office that you had copied some</b></p> <p>14 <b>information about the black judge in</b></p> <p>15 <b>Birmingham, would that have been done by you?</b></p> <p>16 A. I can't say that it was.</p> <p>17 <b>Q. But it could have been?</b></p> <p>18 A. I don't think so, no.</p> <p>19 <b>Q. So were you thinking about suing the City</b></p> <p>20 <b>while you were still working?</b></p> <p>21 A. No, I wasn't. I had hoped very much to keep</p> <p>22 my job, even to -- during the so-called Due</p> <p>23 Process Hearing, was hoping for a miracle.</p>
<p style="text-align: right;">Page 306</p> <p>1 <b>find no violation of the statute and dismissed</b></p> <p>2 <b>your charge, Defendants' Exhibit 34.</b></p> <p>3 MR. JAFFREE: You don't have to use that</p> <p>4 term "dismissed."</p> <p>5 <b>Q. Did you get a copy of that, Ms. Martin,</b></p> <p>6 <b>Exhibit 34?</b></p> <p>7 A. I believe I did. My attorney got it. I</p> <p>8 assume I got it, too.</p> <p>9 <b>Q. Where you filed a lawsuit in federal court; is</b></p> <p>10 <b>that correct?</b></p> <p>11 A. That's correct.</p> <p>12 <b>Q. When did you and Mary Beth Brackin -- did</b></p> <p>13 <b>y'all get together and decide this was</b></p> <p>14 <b>something y'all were going to pursue against</b></p> <p>15 <b>the City?</b></p> <p>16 A. After she was terminated.</p> <p>17 <b>Q. Did she approach you about suing the City?</b></p> <p>18 A. I don't recall.</p> <p>19 <b>Q. Do you know when she was terminated?</b></p> <p>20 A. No.</p> <p>21 <b>Q. Did you ever monitor a case in Birmingham that</b></p> <p>22 <b>involves a black judge being sued for</b></p> <p>23 <b>discrimination?</b></p>	<p style="text-align: right;">Page 308</p> <p>1 <b>Q. And what kind of miracle were you hoping for?</b></p> <p>2 A. That the judge would realize that all she was</p> <p>3 saying was a bunch of lies and that she had</p> <p>4 not done my evaluations as she should have</p> <p>5 done. She had skipped one. And that as long</p> <p>6 as I was performing the way she wanted me to,</p> <p>7 to write up the white magistrates and favor</p> <p>8 the black ones and not do -- be able to</p> <p>9 supervise them at all, then I was fine.</p> <p>10 But after that -- when I start enforcing</p> <p>11 things and disciplining consistently, or try</p> <p>12 to, then she had tried to -- was on the course</p> <p>13 of termination of me.</p> <p>14 In fact, I believe that she had planned to</p> <p>15 terminate me before I ever went on vacation</p> <p>16 and just didn't follow through.</p> <p>17 <b>Q. And this is the same judge that had hired you</b></p> <p>18 <b>just nine months earlier; is that correct?</b></p> <p>19 A. That's right.</p> <p>20 <b>Q. And did you think that Judge Gordon was a good</b></p> <p>21 <b>judge?</b></p> <p>22 A. No, I didn't.</p> <p>23 <b>Q. Well, why did you want to keep working for</b></p>

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<p>1       her?</p> <p>2   A. I needed to work. It was a good job. I liked 3       my job. It was very interesting. I was 4       learning a lot, wanted to learn more.</p> <p>5       I quit a job at Legal Services after being 6       there 20 years because I wanted more 7       supervisory, more management responsibility 8       and couldn't obtain that there. And I left 9       and came to the City and virtually did my job 10      but had it -- had my life destroyed by Judge 11      Gordon because I wouldn't show favoritism.</p> <p>12     <b>Q. When you left the City, whether to go on 13       vacation or at the time you were terminated, 14       did you leave stacks and stacks of tickets in 15       your office where balances were still due 16       and --</b></p> <p>17     A. I can't imagine that I did. But if I did, 18       there was a reason for it being there. I must 19       have been working on them.</p> <p>20     <b>Q. Now, after you left the City, did you 21       go -- did you get unemployment?</b></p> <p>22     A. Yes, I did.</p> <p>23     <b>Q. And do you know approximately how much you</b></p>	<p>1       A. -- 2005.</p> <p>2     <b>Q. And how long did you work there?</b></p> <p>3     A. I worked there till, I believe, October, 4       November of 2006.</p> <p>5     <b>Q. And why did you leave?</b></p> <p>6     A. My position was eliminated because of the 7       merger -- positions were being eliminated -- 8       mine was one -- because of the merger or the 9       purchase of Hollywood Video by Movie Gallery.</p> <p>10    <b>Q. Who was your supervisor?</b></p> <p>11    A. Emily Bush.</p> <p>12    <b>Q. And after you left Movie Gallery -- what was 13       your salary at Movie Gallery?</b></p> <p>14    A. I believe it was \$14 an hour.</p> <p>15    <b>Q. And did you obtain employment after Movie 16       Gallery?</b></p> <p>17    A. Yes, I did.</p> <p>18    <b>Q. And where was that?</b></p> <p>19    A. At Georgia-Pacific through Manpower temporary 20       services.</p> <p>21    <b>Q. Is that where you work now?</b></p> <p>22    A. Yes. Except for I'm a permanent employee now 23       of Georgia-Pacific.</p>
<p style="text-align: center;">Page 310</p> <p>1       got?</p> <p>2   A. I think I got the max of -- maybe it was 290 a 3       week but tax -- I had tax -- federal taxes 4       taken out.</p> <p>5     <b>Q. Did you obtain other employment after you left 6       the City?</b></p> <p>7     A. Not for about ten months or so, no.</p> <p>8     <b>Q. Did you seek other employment?</b></p> <p>9     A. Yes, I did.</p> <p>10    <b>Q. And where did you seek employment?</b></p> <p>11    A. I would have to give you a list. Probably 50 12       or 60 places.</p> <p>13    <b>Q. Were people in Dothan hiring?</b></p> <p>14    A. Not at what I was making.</p> <p>15    <b>Q. Well, I would ask if you could provide your 16       attorney a list of where you looked for 17       employment.</b></p> <p>18      <b>What employment did you obtain after you 19       left the City?</b></p> <p>20    A. With Movie Gallery as an HR coordinator.</p> <p>21    <b>Q. And when did you go to work for Movie Gallery?</b></p> <p>22    A. I believe it was in August of --</p> <p>23    <b>Q. 2005?</b></p>	<p style="text-align: center;">Page 312</p> <p>1     <b>Q. When did you go to work for Georgia-Pacific 2       through Manpower?</b></p> <p>3     A. The end of November 2006.</p> <p>4     <b>Q. And how long did you work there through 5       Manpower?</b></p> <p>6     A. Until February the 5th of this year, 2007.</p> <p>7     <b>Q. And you're now full-time with Georgia-Pacific?</b></p> <p>8     A. Yes.</p> <p>9     <b>Q. And what is your job title there?</b></p> <p>10    A. Human Resources Coordinator.</p> <p>11    <b>Q. And what are your duties?</b></p> <p>12    A. I do salary administration. I set up and sit 13       in on some salaried interviews. I do the 14       setup of hourly employment ads and set up 15       interviews and sit on a selection interview 16       team for interviewing hourly employees and 17       recommending hire -- people to hire. I input 18       into our computer system all new hires, 19       salaried and hourly. I oversee the contracted 20       janitorial service for the whole mill. I 21       oversee Georgia-Pacific's guest house and --</p> <p>22    <b>Q. What is that; is that where you fell?</b></p> <p>23    A. Yes.</p>

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<p style="text-align: right;">Page 313</p> <p>1   <b>Q. What's the guest house?</b></p> <p>2   A. It's just a huge house, lodge-like, that's on</p> <p>3   several acres where we have employee events,</p> <p>4   training. There's a picnic pavilion. There's</p> <p>5   a smaller house on the grounds.</p> <p>6   <b>Q. And how did you fall?</b></p> <p>7   A. I was down at the guest house with three other</p> <p>8   people. There's a large room that was made</p> <p>9   into a conference room where we hold big</p> <p>10   events and trainings. There's a back door.</p> <p>11   We were all three walking out the back door to</p> <p>12   go to the shed to look for some more tables</p> <p>13   and chairs.</p> <p>14   When you walk out the back door, there's a</p> <p>15   flat -- well, it's not flat. It's a flagstone</p> <p>16   patio. And then there's a concrete handicap</p> <p>17   ramp that's -- declines right beside it.</p> <p>18   However, there was -- there's never been rails</p> <p>19   put up. And when I walked out, I glanced back</p> <p>20   over my shoulder to see if the door closed,</p> <p>21   and my foot twisted off the flat below to the</p> <p>22   incline. And I fell on my right knee and my</p> <p>23   face.</p>	<p style="text-align: right;">Page 315</p> <p>1   there and retire there. I had no intentions</p> <p>2   of leaving.</p> <p>3   <b>Q. So you would take a \$10,000 cut in pay?</b></p> <p>4   A. There wouldn't be a \$10,000 cut in pay. The</p> <p>5   salary is actually higher now than it was when</p> <p>6   I was the court administrator because the</p> <p>7   position was upgraded sometime after I left.</p> <p>8   <b>Q. And how do you know that?</b></p> <p>9   A. Because it was in the Dothan Eagle.</p> <p>10   <b>Q. But other than that, you don't have any</b></p> <p>11   personal knowledge of that; is that correct,</p> <p>12   other than the reading it in the paper?</p> <p>13   A. Yeah, in print.</p> <p>14   <b>Q. How do you contend you've been damaged as a</b></p> <p>15   result of losing your job at the City?</p> <p>16   A. I have suffered emotional stress, stress on my</p> <p>17   marriage, income loss, embarrassment, had to</p> <p>18   give up certain things I was used to with my</p> <p>19   salary.</p> <p>20   <b>Q. What was that?</b></p> <p>21   A. Had to cut off my cell phone, couldn't afford</p> <p>22   it. And my husband had to take over -- well,</p> <p>23   virtually all the bills. We had -- before</p>
<p style="text-align: right;">Page 314</p> <p>1   <b>Q. And I trust they're processing it as a</b></p> <p>2   workers' comp claim?</p> <p>3   A. Yes, it is.</p> <p>4   <b>Q. And how many employees does Georgia-Pacific</b></p> <p>5   have at that plant?</p> <p>6   A. About 576.</p> <p>7   <b>Q. And I may have asked this: Who do you report</b></p> <p>8   to?</p> <p>9   A. Right now, our new HR leader is Carl, C-A-R-L,</p> <p>10   Schreier, S-C-H-R-E-I-E-R.</p> <p>11   <b>Q. And your current salary, I believe you said,</b></p> <p>12   is \$42,000?</p> <p>13   A. Right.</p> <p>14   <b>Q. And in light of that, do you desire to work</b></p> <p>15   for the City of Dothan?</p> <p>16   A. Yes.</p> <p>17   <b>Q. And why is that?</b></p> <p>18   A. Because most of my career is in legal. And I</p> <p>19   believe that given -- if I'd been given the</p> <p>20   proper chance and evaluations, supervision,</p> <p>21   that I would be a great court administrator</p> <p>22   and court clerk.</p> <p>23   And when I took the job, I planned to stay</p>	<p style="text-align: right;">Page 316</p> <p>1   that I had shared the burden of the bills with</p> <p>2   him. I was unable on unemployment to pay our</p> <p>3   household bills. It was very hard for me to</p> <p>4   get a job again. I spent countless hours</p> <p>5   doing resumes, cover letters, sitting for</p> <p>6   interviews. Was offered a job once</p> <p>7   until -- well, I told him about the</p> <p>8   leaving -- how I left the City. He asked me.</p> <p>9   I told him. But he talked to someone -- I</p> <p>10   don't know who -- and called me back later and</p> <p>11   said, he'd offered the position to someone</p> <p>12   else.</p> <p>13   <b>Q. Did you try to go back to Legal Services?</b></p> <p>14   A. I did interview with them. The pay was much,</p> <p>15   much lower. I could not live off of the pay.</p> <p>16   <b>Q. So you turned them down?</b></p> <p>17   A. Yes.</p> <p>18   <b>Q. Your husband, who does he work for?</b></p> <p>19   A. He's self-employed.</p> <p>20   I lost my insurance. We had to pay \$600 a</p> <p>21   month for COBRA coverage.</p> <p>22   <b>Q. Do you have insurance now?</b></p> <p>23   A. Yes, I do.</p>

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<p style="text-align: right;">Page 317</p> <p>1   <b>Q. Were you hospitalized during the time period</b>  2   <b>that you were unemployed?</b>  3   A. No, I wasn't.</p> <p>4   <b>Q. Did you incur any medical bills during the</b>  5   <b>time you were not employed?</b>  6   A. I -- I would have to look at my medical  7   records at home.</p> <p>8   <b>Q. Now, in your -- you've said you read or</b>  9   <b>reviewed your Second Amended Complaint; is</b>  10   <b>that correct?</b>  11   A. Yes.</p> <p>12   <b>Q. I'm going through, but I think a good bit of</b>  13   <b>this I have already asked you about. Just</b>  14   <b>bear with me.</b>  15    (Brief pause)</p> <p>16   <b>Q. I'm on number 83, page 16. You make the</b>  17   <b>contention that Get Out Bonding appeared to</b>  18   <b>get preferential treatment from Defendant</b>  19   <b>Gordon. Defendants bonded by this outfit</b>  20   <b>appeared to get lesser sentences and have</b>  21   <b>their charges dropped with more frequency than</b>  22   <b>other bonders.</b>  23    Do you have any evidence to support that</p>	<p style="text-align: right;">Page 319</p> <p>1   A. As listed.</p> <p>2   <b>Q. As listed? What does that mean? You don't</b>  3   <b>really understand the --</b>  4   A. I didn't say that. I said as listed in here.</p> <p>5   <b>Q. Well, I'm asking you to give me some</b>  6   <b>understanding, if you do have an</b>  7   <b>understanding, other than what's on paper.</b>  8    MR. JAFFREE: It is highly unlikely that  9   she has a sophistication to understand  10   constitutional law and how the facts  11   of her case may intertwine with that  12   law. So if --  13    THE WITNESS: That's why I have an  14   attorney.</p> <p>15    MR. JAFFREE: If you don't know just --</p> <p>16   A. I understand basic.</p> <p>17   <b>Q. You are claiming that you were terminated</b>  18   <b>because of your race, white?</b>  19   A. Yes.</p> <p>20   <b>Q. Do you know who replaced you in your job?</b>  21   A. Yes, I do.</p> <p>22   <b>Q. And who is that?</b>  23   A. Michelle Sellers.</p>
<p style="text-align: right;">Page 318</p> <p>1   <b>allegation or appearance?</b>  2   A. Just from what I've already told you.</p> <p>3   <b>Q. Or that Get Out was frequently not required to</b>  4   <b>pay their forfeitures. Do you have any</b>  5   <b>evidence or facts, other than what you've</b>  6   <b>testified to?</b>  7   A. No.  8    (Brief pause)</p> <p>9   <b>Q. You were making claims of race discrimination</b>  10   <b>and constitutional claims. Do you understand</b>  11   <b>what claims you are making --</b>  12   A. Yes.</p> <p>13   <b>Q. -- in this case?</b>  14    And how do you feel your constitutional  15   rights have been violated?  16    MR. JAFFREE: You're asking her for a  17   legal conclusion.</p> <p>18    MS. NELSON: Well, I realize it borders on  19   that but I just want her understanding  20   of that.</p> <p>21    MR. JAFFREE: Well, I think it's a little  22   bit more than border. She's not an  23   attorney, but if you know the answer.</p>	<p style="text-align: right;">Page 320</p> <p>1   <b>Q. And her race is white. I think we've</b>  2   <b>established that; is that correct?</b>  3   A. Yes.</p> <p>4   <b>Q. Can you name any employee -- white employee</b>  5   <b>who you contend was treated differently than</b>  6   <b>you were?</b>  7    MR. JAFFREE: You mean white employee?</p> <p>8   <b>Q. Excuse me. Black employee who was treated</b>  9   <b>differently than you?</b>  10   A. My position was that I was the only one.</p> <p>11   <b>Q. You also have a claim of retaliation. Do you</b>  12   <b>understand that claim?</b>  13   A. Retaliation?</p> <p>14   <b>Q. Yes.</b>  15    MR. JAFFREE: What are you looking at?</p> <p>16   A. Where are you at?</p> <p>17   <b>Q. I'm on page 35.</b>  18    MR. JAFFREE: I mean, her response to that  19   one may suffer from the same thing as  20   the constitutional response.</p> <p>21    MS. NELSON: The retaliation claim, can I  22   just confirm with you, Ishmael, that  23   under 40 -- it's under 42, 1983</p>

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1        through 19 -- I'm just not sure that I 2        understand your claim. I'm on page 3        35. 4        MR. JAFFREE: I'd have to look and read 5        this whole thing in context. It may 6        be because she protested something as 7        made unlawful. And as a result of 8        that, she was terminated, even under 9        1983. 10      MS. NELSON: 1981 and 1983. 11      MR. JAFFREE: Yeah. 12      MS. NELSON: I'm just trying to make sure 13        I understand your claim. 14      Q. Are you aware you have a claim of negligence, 15        Ms. Martin? Can you tell me how -- 16      A. Yes. I understand that. 17      Q. -- that the -- or Judge Gordon or the City has 18        been negligent towards you? 19      A. You're talking about actually Count 16. It 20        says Count 14 starts on page 35. 21      Q. Yeah. 22      A. And 36. 23      Q. What's Count 14?	1        to be done. I even asked Kai in Personnel had 2        it been submitted without me knowing it, and 3        she said no, it had never been turned in. 4        Q. But you knew from your meeting with the judge 5        and your meeting with Kai that there were 6        concerns about your ability to -- 7        A. No. 8        MR. JAFFREE: That's your statement. 9        A. That's your statement, not mine. I was not 10        made aware of deficiencies. There were no 11        counseling sessions, and I was not made aware 12        of deficiencies. And if -- like I say, if the 13        judge wanted to do it the right way, she 14        would've done an evaluation on the date that 15        she was supposed to. 16      Q. And that's your testimony -- that's your 17        understanding of the rule? 18      A. And then I suffered injury from that because I 19        lost the job. 20      Q. Well, we've been over this testimony in -- can 21        you at least agree that you and the judge were 22        not seeing eye to eye when you met with Kai 23        Davis?
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1        A. I think it -- 2        MR. JAFFREE: Do I have these things 3        numbered wrong? 4        A. I think it was numbered wrong. But it says -- 5        I renumbered mine, anyway. 6        That as a probationary employee, it's set 7        out that I was supposed to be evaluated every 8        three months, four times in the 12-month 9        period. 10      Q. And where does it say that? 11      A. You would have to get the -- 12      Q. I'm just saying, what's your understanding of 13        where it says that? 14      A. It's in the City's Personnel Rules and 15        Regulations, Section 2-80. 16        And she had a duty to point out my 17        deficiencies and provide me with a reasonable 18        opportunity to cure those deficiencies. She 19        didn't do that. If she had have done my 20        evaluations as she should have, she might 21        could have done that. But she didn't. 22        She did not do one that was due on 7/26 I 23        believe. And I asked about when it was going	1        MR. JAFFREE: That's a broad question. 2        MS. NELSON: State your objection. 3        MR. JAFFREE: I mean, it's too broad for 4        her to answer. I mean -- 5        Q. You understand that, don't you? 6        MR. JAFFREE: Eye to eye on what? 7        Q. That y'all were -- 8        MR. JAFFREE: It could mean job 9        performance. Eye to eye on how she 10        sees black employees versus white 11        employees. Eye to eye on whether or 12        not polices of administrator's office 13        should be followed. 14      Q. You knew the judge was not satisfied with your 15        performance, didn't you, when you met with Kai 16        Davis -- 17      A. No, I didn't. 18      Q. -- in the summer? 19      A. No, I didn't. 20        MR. JAFFREE: Well, I mean, for her to say 21        yes, eye and eye and you interpret it 22        that way, that's not what she meant. 23      Q. You thought you were doing a great job as far

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<p style="text-align: right;">Page 325</p> <p>1      <b>as you knew?</b></p> <p>2      A. Yes. I thought I was doing a great job.</p> <p>3      <b>Q. And how did you get that impression?</b></p> <p>4      A. It was limited to the great job I could do by</p> <p>5      restraining.</p> <p>6      <b>Q. You didn't know what you were doing, did you?</b></p> <p>7      A. Yes, I did know what I was doing. I knew what</p> <p>8      I was doing about the supervision.</p> <p>9      <b>Q. How can you supervise a group of people if you</b></p> <p>10     <b>don't even know what it is they're doing to</b></p> <p>11     <b>supervise?</b></p> <p>12     A. I did know what they were doing.</p> <p>13     <b>Q. And how did you what they were doing?</b></p> <p>14     A. I was learning. The judge hired me, knowing</p> <p>15     that I was not a magistrate. She hired me,</p> <p>16     knowing my background totally, my work</p> <p>17     experience, everything. She wouldn't have</p> <p>18     hired me if, in fact, she made that decision</p> <p>19     if she didn't think I could do the job.</p> <p>20     <b>Q. Do you feel like you misrepresented anything</b></p> <p>21     <b>to her in the interview process?</b></p> <p>22     A. No, I don't. But I feel she misrepresented</p> <p>23     things to me.</p>	<p style="text-align: right;">Page 327</p> <p>1      A. I believe it's stated right here in</p> <p>2      writing that the --</p> <p>3      <b>Q. What contract did you have?</b></p> <p>4      A. -- defendant owed me. Yes, breach of</p> <p>5      contract. State claim?</p> <p>6      <b>Q. Did you have a contract with the City?</b></p> <p>7      A. Yes. I was hired, and I was told I would have</p> <p>8      evaluations every three months and</p> <p>9      deficiencies would be pointed out to me on</p> <p>10     those evaluations.</p> <p>11     <b>Q. And who told you that?</b></p> <p>12     A. And this -- City's Personnel Rules and</p> <p>13     Regulations, Section 280, and Judge Gordon and</p> <p>14     Kai Davis.</p> <p>15     MR. JAFFREE: The defense had an</p> <p>16     opportunity to attack some of these</p> <p>17     claims early on, and I guess they did.</p> <p>18     MS. NELSON: You're talking about a Motion</p> <p>19     to Dismiss?</p> <p>20     MR. JAFFREE: Well --</p> <p>21     MS. NELSON: They will be dealt with in a</p> <p>22     summary judgment, I assure you.</p> <p>23     MR. JAFFREE: Well, I'm sure they're going</p>
<p style="text-align: right;">Page 326</p> <p>1      <b>Q. And if she feels that you misrepresented</b></p> <p>2      <b>things to her, y'all, in essence weren't</b></p> <p>3      <b>seeing eye to eye, were you?</b></p> <p>4      A. What she promised me in the interview and</p> <p>5      after that was 100 percent support and I had</p> <p>6      total supervision and management rights.</p> <p>7      That's not what I got. And we also talked</p> <p>8      about that we might not always see eye to eye</p> <p>9      and we might not always agree, but she stated</p> <p>10     she would back me 100 percent.</p> <p>11     <b>Q. No matter what you did?</b></p> <p>12     A. I'm not -- you're putting words in my mouth.</p> <p>13     I said she would back me and she would not</p> <p>14     interfere with my management.</p> <p>15     <b>Q. You have a breach of contract. What contract</b></p> <p>16     <b>do you contend has been breached?</b></p> <p>17     MR. JAFFREE: Again --</p> <p>18     MS. NELSON: I'm just asking her.</p> <p>19     MR. JAFFREE: -- requires a legal</p> <p>20     conclusion based on state law and</p> <p>21     state court interpretations of that</p> <p>22     law.</p> <p>23     <b>Q. Other than your lawyer's testifying for you --</b></p>	<p style="text-align: right;">Page 328</p> <p>1      to revisit it again. But I said, the</p> <p>2      City has not clearly attacked some of</p> <p>3      these claims as they could.</p> <p>4      MS. NELSON: If you can give me a minute.</p> <p>5      Y'all want to take a quick break? I</p> <p>6      think I'm about done.</p> <p>7      (Brief recess)</p> <p>8      <b>Q. Ms. Martin, I know it's been a long day. I</b></p> <p>9      <b>know we've been over a lot of testimony and</b></p> <p>10     <b>I've asked you a lot of questions. But based</b></p> <p>11     <b>on your claims of discrimination and</b></p> <p>12     <b>retaliation against the City or Judge Gordon,</b></p> <p>13     <b>are there any other claims or facts to support</b></p> <p>14     <b>your claim that I have not asked you about?</b></p> <p>15     A. I would have to read through everything I've</p> <p>16     got.</p> <p>17     MR. JAFFREE: There may be.</p> <p>18     A. There could be. But I'd have to spend hours</p> <p>19     reading through my complaint.</p> <p>20     <b>Q. I'm talking about the things I've asked you</b></p> <p>21     <b>and the things you know that you're</b></p> <p>22     <b>complaining about, is there anything that --</b></p> <p>23     MR. JAFFREE: Can I help?</p>

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<p style="text-align: right;">Page 329</p> <p>1 MS. NELSON: No.</p> <p>2 <b>Q. Are there facts that you are aware of that we</b></p> <p>3 <b>have not reviewed that would support your</b></p> <p>4 <b>claim of discrimination or retaliation</b></p> <p>5 <b>against --</b></p> <p>6 MR. JAFFREE: I can help her refresh her</p> <p>7 recollection if you would like. I</p> <p>8 mean, do you want to know the facts or</p> <p>9 do you want just to play gotcha?</p> <p>10 MS. NELSON: Well, I want to know her</p> <p>11 answer as opposed to yours. And then,</p> <p>12 yeah, if you want to enlighten me that</p> <p>13 you're making a claim that I hadn't</p> <p>14 covered, I would like to know about</p> <p>15 it.</p> <p>16 MR. JAFFREE: I think she made a claim in</p> <p>17 the complaint if I'm not mistaken that</p> <p>18 the judge told her told her that since</p> <p>19 she was black, nothing could be done</p> <p>20 to her.</p> <p>21 Is that in the complaint?</p> <p>22 THE WITNESS: Yes.</p> <p>23 MR. JAFFREE: It should be in your writeup</p>	<p style="text-align: right;">Page 331</p> <p>1 she got a copy of that. Jerry Corbin did. I</p> <p>2 was waiting for one of them really to do</p> <p>3 something about the complaint. And I called</p> <p>4 the judge and asked her what -- you know, had</p> <p>5 she read it, what were we going to do about</p> <p>6 it. And she just kind of laughed it off and</p> <p>7 said, we're not going to do anything. Rickey</p> <p>8 Stokes causes problems all the time, files</p> <p>9 complaints with the City all the time.</p> <p>10 And then later -- it could have been that</p> <p>11 same day, might have been the next day -- I</p> <p>12 discussed it with her again because Rickey</p> <p>13 asked me -- called me and asked me had I --</p> <p>14 had the judge read the complaint. I told him,</p> <p>15 yes, and I would leave it up to her.</p> <p>16 And he told me -- she -- when she and I</p> <p>17 were talking then, she said that there was no</p> <p>18 way the City was going to get rid of her</p> <p>19 because she was a female, black judge and they</p> <p>20 wouldn't be stupid enough to let her go.</p> <p>21 <b>Q. And who was present when she --</b></p> <p>22 A. Me and the judge.</p> <p>23 <b>Q. -- supposedly said that?</b></p>
<p style="text-align: right;">Page 330</p> <p>1 there, you haven't covered that.</p> <p>2 MS. NELSON: This is in her -- your</p> <p>3 seconded amended complaint?</p> <p>4 THE WITNESS: I'm not sure.</p> <p>5 MR. JAFFREE: It's --</p> <p>6 <b>Q. It's your contention that the judge made such</b></p> <p>7 <b>a statement to you?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. And what did she say?</b></p> <p>10 A. She said -- I don't know word for word.</p> <p>11 Basically, it was the City --</p> <p>12 <b>Q. Can I stop you? Mr. Jaffree fusses at me</b></p> <p>13 <b>about this all the time. When are we talking</b></p> <p>14 <b>about that this comment was said?</b></p> <p>15 A. Was after Rickey Stokes filed his complaint</p> <p>16 against Lavera.</p> <p>17 <b>Q. This had to with what you testified, that two</b></p> <p>18 <b>defendants with the same name --</b></p> <p>19 A. Among other things, yes.</p> <p>20 <b>Q. And so this was after Rickey Stokes had</b></p> <p>21 <b>complained?</b></p> <p>22 A. Right. We were discussing it. She</p> <p>23 brushed -- I thought that -- that she got --</p>	<p style="text-align: right;">Page 332</p> <p>1 A. Me and Judge.</p> <p>2 <b>Q. And where were you?</b></p> <p>3 A. In her office.</p> <p>4 <b>Q. And this was talking about the Rickey Stokes</b></p> <p>5 <b>complaint?</b></p> <p>6 A. Right.</p> <p>7 <b>Q. Why would she be talking about her job being</b></p> <p>8 <b>in jeopardy over the Rickey Stokes' complaint?</b></p> <p>9 A. Because Rickey Stokes is a bone of contention</p> <p>10 for everybody -- for the judge and all.</p> <p>11 <b>Q. For everybody?</b></p> <p>12 A. Not for everybody. For the judge.</p> <p>13 <b>Q. Well, first you said "everybody."</b></p> <p>14 MR. JAFFREE: She said the judge and all,</p> <p>15 not everybody.</p> <p>16 <b>Q. Do you know Rickey Stokes?</b></p> <p>17 A. I know him.</p> <p>18 <b>Q. Do you know him outside of working for the</b></p> <p>19 <b>City of Dothan?</b></p> <p>20 A. I had met him before.</p> <p>21 <b>Q. In what way?</b></p> <p>22 A. Socially. We were -- I just knew -- met him</p> <p>23 one time, I believe, talked to him.</p>

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<p>1        The judge had told me about some things  2        that he done before in the magistrates'  3        office, that he'd bring a recorder in and try  4        to record conversations he had. So when he  5        came over to introduce his self when I first  6        started working there, he walked in. And the  7        first thing I did was maybe ask him if he had  8        a recorder.</p> <p>9        And he said no.</p> <p>10      And I said don't ever bring one in here.  11      If you do, you'll being leaving. I won't be  12      talking to you.</p> <p>13      <b>Q. Okay. To your knowledge, was the judge's job  14      in jeopardy in any way over the Rickey Stokes'  15      letter or memo that you are talking about?</b></p> <p>16      A. I don't know. I suppose from issues with  17      Rickey Stokes in the past, maybe she felt  18      threatened in some way. I don't know. I  19      wasn't there in the past.</p> <p>20      <b>Q. Do you know Rickey Stokes -- the number of  21      cases or claims or lawsuits he's been involved  22      in or the number of times he's been sued?</b></p> <p>23      A. No.</p>	<p>1        declaration later.</p> <p>2        EXAMINATION</p> <p>3        BY MR. JAFFREE:</p> <p>4        <b>Q. Get Out Bonding, as far as you know, what  5        ethnic identity does the owner of that  6        operation have?</b></p> <p>7        That's an awkward way of asking you that  8        question. Do you understand the question?</p> <p>9        A. Say it again.</p> <p>10      <b>Q. Get Out Bonding, do you know if it's black or  11      white owned?</b></p> <p>12      A. Black.</p> <p>13      <b>Q. Pardon?</b></p> <p>14      A. Black.</p> <p>15      <b>Q. You stated earlier that the judge told you  16      that Mary Beth and Mary Turner, she should  17      have fired them a long time ago. Do you  18      recall when she made this statement?</b></p> <p>19      A. I believe it was during an interview -- one of  20      the interviews.</p> <p>21      <b>Q. Well, let me see if I can help you. Do you  22      know if she made this statement concerning  23      anybody else that should have been fired?</b></p>
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<p>1        <b>Q. Any other fact that you're aware of or that's  2        in your complaint that we haven't talked about  3        that would support your claim of  4        discrimination?</b></p> <p>5        MR. JAFFREE: That you can think of right  6        now.</p> <p>7        A. None I can I think of right now.</p> <p>8        <b>Q. Well, do you want to think about it a little  9        bit more, then, while I'm getting my documents  10      together?</b></p> <p>11      A. I really want to go home. My foot is  12      swollen. It's killing me. I'm only supposed  13      to be working half days. I'm supposed to be  14      propping it up.</p> <p>15      <b>Q. Well, I believe that's all I have then, right  16      now.</b></p> <p>17      MR. JAFFREE: Just a few bullet points.</p> <p>18      Just a few. And I may supplement.</p> <p>19      MS. NELSON: And I am going to object if  20      you start leading her like you did  21      before, but with that, I'm ready to go  22      here myself.</p> <p>23      MR. JAFFREE: I want that with a</p>	<p>1        A. Valarie Savage.</p> <p>2        <b>Q. Again, think about the three people. Do you  3        remember when she could have made the  4        statement? You said she made it with respect  5        to three people.</b></p> <p>6        A. The -- the statement of, she should have fired  7        them long ago?</p> <p>8        <b>Q. Yeah.</b></p> <p>9        A. She made that during the -- about those three  10      during the subsequent meeting that we had  11      before I started working.</p> <p>12      <b>Q. You have already told me that.  13      At one time, I was going to go through  14      those exhibits and ask you questions, but I'm  15      not going to do it now in the interest of  16      time.</b></p> <p>17      (Brief pause)</p> <p>18      <b>Q. This memo here to Kai Davis, dated June the  19      8th, dealing with employee counseling, did you  20      ever get this?</b></p> <p>21      A. No, I didn't.</p> <p>22      <b>Q. What about this memo, again, interoffice memo  23      dated July the 8th to, again, Kai Davis? Did</b></p>

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<p style="text-align: center;">Page 337</p> <p>1       <b>you ever get this?</b></p> <p>2       A. No, I didn't.</p> <p>3       <b>Q. Those Attachments 1, 2, and 3, that were shown</b></p> <p>4       <b>to you in one of the exhibits, did you ever</b></p> <p>5       <b>get any of those attachments?</b></p> <p>6       A. No, I didn't.</p> <p>7       <b>Q. Did the judge ever give you any memo</b></p> <p>8       <b>concerning negative aspects of your job?</b></p> <p>9       A. No, she didn't.</p> <p>10       <b>Q. Did she previously call you in for a</b></p> <p>11       <b>counseling session about any negative aspects</b></p> <p>12       <b>of your job?</b></p> <p>13       A. No, she didn't.</p> <p>14       <b>Q. And she made any number of some very serious</b></p> <p>15       <b>charges, such as you having somebody come from</b></p> <p>16       <b>out of state even though the matter had been</b></p> <p>17       <b>resolved.</b></p> <p>18       <b>Did she write you up for that?</b></p> <p>19       A. No.</p> <p>20       <b>Q. Do you know anything about that?</b></p> <p>21       A. No. Just generalizations. There's no names</p> <p>22       provided, no facts.</p> <p>23       <b>Q. Did she ever give you written notice of any</b></p>	<p style="text-align: center;">Page 339</p> <p>1       A. No.</p> <p>2       <b>Q. Did the judge indicate to you in a very casual</b></p> <p>3       <b>and cavalier way that she wanted Tonya to have</b></p> <p>4       <b>a good office or --</b></p> <p>5       MS. NELSON: Object to the form.</p> <p>6       <b>Q. Well, how did the judge tell you about her</b></p> <p>7       <b>interest in getting Tonya an office?</b></p> <p>8       MS. NELSON: Object to the form.</p> <p>9       <b>Q. Well, did the judge tell you anything about</b></p> <p>10       <b>her interest in getting Tonya an office?</b></p> <p>11       A. Yes.</p> <p>12       <b>Q. Exactly what did she tell you and how vigorous</b></p> <p>13       <b>was her discussion?</b></p> <p>14       A. She was very intent on giving Tonya a nice</p> <p>15       office, even to the point of doing some</p> <p>16       remodeling, if need be.</p> <p>17       <b>Q. Did she follow up this conversation with any</b></p> <p>18       <b>other comments about Tonya getting an office?</b></p> <p>19       A. She continued to check with me about</p> <p>20       what -- what I had come up with. And I</p> <p>21       expressed to her that I didn't think it would</p> <p>22       be a good idea. I wasn't in agreement of</p> <p>23       giving her an office when Mary Turner didn't</p>
<p style="text-align: center;">Page 338</p> <p>1       <b>attorneys that had complained about you?</b></p> <p>2       A. No.</p> <p>3       <b>Q. Any other staff member of your office that</b></p> <p>4       <b>have complained about you?</b></p> <p>5       A. No.</p> <p>6       <b>Q. Did she ever tell you that Lavera and/or</b></p> <p>7       <b>Eunice had filed a discrimination complaint</b></p> <p>8       <b>with the personnel office, concerning you?</b></p> <p>9       A. No.</p> <p>10       <b>Q. Did the judge ever personally accuse you of</b></p> <p>11       <b>discriminating against the black employees of</b></p> <p>12       <b>the office?</b></p> <p>13       A. No.</p> <p>14       <b>Q. Have you ever previously been supervisor over</b></p> <p>15       <b>any black employees?</b></p> <p>16       A. Yes.</p> <p>17       <b>Q. Has any black employee ever filed any charges</b></p> <p>18       <b>of discrimination against you?</b></p> <p>19       A. No.</p> <p>20       <b>Q. Are you currently supervising any employees?</b></p> <p>21       A. Yes.</p> <p>22       <b>Q. Have they filed any charges of discrimination</b></p> <p>23       <b>against you?</b></p>	<p style="text-align: center;">Page 340</p> <p>1       have an office at all until she took over</p> <p>2       Lavera's duties.</p> <p>3       <b>Q. Well, how much in the position of seniority</b></p> <p>4       <b>did Tonya have in the time that the judge was</b></p> <p>5       <b>interested in getting her a nice office?</b></p> <p>6       A. Say that again.</p> <p>7       MS. NELSON: Object to the form.</p> <p>8       <b>Q. How much in the position seniority did Tonya</b></p> <p>9       <b>have at the time the judge expressed interest</b></p> <p>10       <b>in getting Tonya an office?</b></p> <p>11       A. She hadn't even started work at the City.</p> <p>12       <b>Q. Did you ever receive a complaint from a</b></p> <p>13       <b>Sergeant Woodruff about the preparation of</b></p> <p>14       <b>alias warrants?</b></p> <p>15       A. Yes, I did.</p> <p>16       <b>Q. Do you remember that complaint?</b></p> <p>17       A. Yes. It was that 40 warrants were missing</p> <p>18       that Eunice had taken over. And Sergeant</p> <p>19       Woodruff wasn't there, but the magistrates</p> <p>20       were supposed to put warrants in her box. And</p> <p>21       Eunice had given them to Sergeant Tolbert.</p> <p>22       And when I talked to Sergeant Tolbert -- well,</p> <p>23       I talked to Eunice, and she talked to Sergeant</p>

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<p>1 Tolbert. And he said he didn't know anything 2 about warrants, couldn't find them. They 3 looked for them.</p> <p>4 I talked to him, and he said that they 5 could not find the warrants, didn't know where 6 they were. And Sergeant Woodruff did a memo 7 -- either in that memo or another one, asked 8 that they be either found or reprinted for 9 her.</p> <p>10 <b>Q. Did he express any complaints that he had had about Lavera?</b></p> <p>12 A. Who?</p> <p>13 <b>Q. Sergeant Woodruff.</b></p> <p>14 A. That's a she.</p> <p>15 <b>Q. I'm sorry. She. Did she complain?</b></p> <p>16 A. About Lavera?</p> <p>17 <b>Q. Yeah.</b></p> <p>18 A. Lavera or Eunice? Lavera?</p> <p>19 <b>Q. Lavera?</b></p> <p>20 A. She said that -- she brought to my attention -- she brought me a stack of 22 warrants that Lavera had done that contained numerous errors, and we went through them. I</p>	<p>1 to cover her job duties during that time. And 2 I told her that, no, I was going to let Mary 3 Turner take over, that Eunice -- I didn't want 4 Eunice and Tonya doing it, that Mary had done 5 some of this before. And she kept insisting 6 that she would rather Eunice and Tonya do it. 7 And I told her that I would make the 8 assignment and I'd made it to Mary Turner.</p> <p>9 <b>Q. How would you describe her affect when she kept insisting? Do you understand what mean by "affect?"</b></p> <p>10 MS. NELSON: Object to the form. I sure 11 don't.</p> <p>12 <b>Q. Was she pleased that you --</b></p> <p>15 A. Oh, no, she was not pleased at all.</p> <p>16 <b>Q. How would you describe her affect?</b></p> <p>17 A. Very upset, angry.</p> <p>18 <b>Q. Do you know if any of this was mentioned to the judge about your decision to let Mary do it rather than Lavera and Tonya?</b></p> <p>21 A. I don't recall.</p> <p>22 <b>Q. Do you remember sometime in July sending a memo to Eunice regarding bond changing</b></p>
<p>1 went through them, and some of them were court 2 system errors, the HTE system. However, if 3 Eunice -- I mean, Lavera had have proofread 4 those, those could have been corrected. Some 5 of the information was not the court system 6 error.</p> <p>7 <b>Q. Did she make any statement about how long she had been complaining about Lavera's errors?</b></p> <p>9 A. Said she'd been complaining about them for 10 a -- previous to my being made court 11 administrator, for some time.</p> <p>12 <b>Q. Did she indicate the results of those complaints?</b></p> <p>14 A. They were ignored by the judge.</p> <p>15 <b>Q. Did you ever have an occasion to ask Mary Turner to take over Lavera's job when she was to leave out on extended sick leave?</b></p> <p>18 A. Yes. I assigned temporarily to Mary Turner 19 Lavera's job duties while she was out on 20 leave.</p> <p>21 <b>Q. How did Lavera feel about this?</b></p> <p>22 A. Lavera had actually let me -- she let me know 23 that she had actually asked Eunice and Tonya</p>	<p>1 <b>procedure?</b></p> <p>2 A. Yes, I do.</p> <p>3 <b>Q. Do you know how Eunice responded to that memo?</b></p> <p>4 A. She took it to the judge.</p> <p>5 <b>Q. Did she say anything about your authority to tell her what to do?</b></p> <p>7 A. Yes. She was very insubordinate, told me I 8 didn't have the authority. And then in a 9 staff meeting, also, told in front of everyone 10 that I didn't have the authority to question 11 her changing bonds.</p> <p>12 <b>Q. Did you talk to the judge about this?</b></p> <p>13 A. Yes, I did.</p> <p>14 <b>Q. Did you explain to the judge about whether you thought it was insubordinate?</b></p> <p>16 A. Yes, I did.</p> <p>17 <b>Q. And what was the judge's response?</b></p> <p>18 A. That it wouldn't be good to write her up for 19 insubordination because she could file a claim 20 of discrimination against me.</p> <p>21 <b>Q. Was there ever any occasion where Judge Gordon expressed concern about white employees causing someone to get arrested wrongfully?</b></p>

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1 A. That was always brought to my attention.  
 2 **Q. Were there any occasions when either Lavera**  
 3 **and Eunice had caused somebody to be**  
 4 **wrongfully arrested?**  
 5 A. Yes.  
 6 **Q. Do you know the names of any of the people**  
 7 **that she caused to be wrongfully arrested?**  
 8 A. Gregory Powe.  
 9 **Q. Anyone else?**  
 10 A. Christopher Carroll.  
 11 **Q. Anybody else that you remember off the top of**  
 12 **your head?**  
 13 A. Not at this time.  
 14 **Q. Okay. I'm going to stop it there. I could**  
 15 **have a thousand questions to ask you, but I'm**  
 16 **not.**

## EXAMINATION

BY MS. NELSON:

19 **Q. Did the judge ever tell you that the Police**  
 20 **Chief John White had complained about you?**  
 21 A. She did tell me that. However, it was right  
 22 after I'd had a conversation with Chief White,  
 23 had gone over to introduce myself again to him

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1 because I had met him previously and we had a  
 2 mutual friend. And we had a great  
 3 conversation. I offered all my support, and  
 4 we talked. And he said he would help me any  
 5 way he could. And I told him that I -- just  
 6 to let me know if I could help any way. I was  
 7 never provided a written complaint.

8 MS. NELSON: That's all I have.

## EXAMINATION

BY MR. JAFFREE:

11 **Q. What did she say was the nature of Chief**  
 12 **White's complaint?**  
 13 A. She didn't give me details. She just said  
 14 that he complained.  
 15 **Q. Do you recall whether you asked for details?**  
 16 A. I was astounded that there was a complaint,  
 17 considering just days before I had had a  
 18 conversation with him that went very well.  
 19 **Q. Maybe we can find out tomorrow what the nature**  
 20 **of the complaint was. All right. That's all**  
 21 **I have.**

22 (Deposition concluded at 6:40 p.m.)

87 (Pages 345 to 346)

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